

**ORDINANCE NO. 437**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BULVERDE, TEXAS, ADOPTING A NEW ZONING ORDINANCE  
FOR THE CITY.**

**WHEREAS**, the City Council of Bulverde has adopted a new Future Land Use Plan; and

**WHEREAS**, the City Council now desires to establish a new Zoning Ordinance that complies with the new Future Land Use Plan;

**NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
BULVERDE, TEXAS, THAT:**

**SECTION 1.** the existing zoning ordinance, codified as Chapter 14 of the Code of ordinances, is repealed.

**SECTION 2.** the new zoning ordinance and zoning map, attached to this ordinance as Exhibit "A", is hereby adopted and codified as the new Chapter 14 of the City's Code of Ordinance.

**SECTION 3. SAVINGS CLAUSE:** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not effect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

**SECTION 4. EFFECTIVE DATE.** The Ordinance shall be effective immediately following City Council approval.

**PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF September, 2016.**

By: \_\_\_\_\_  
William Krawietz  
Mayor

Attest: \_\_\_\_\_  
Danny Batts, City Secretary



**EXHIBIT A**

**ZONING ORDINANCE**

**CITY OF BULVERDE, TEXAS**

**SEPTEMBER 13, 2016**

# **BULVERDE ZONING ORDINANCE**

## **September 2016**

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## **SECTION 14.1.**

### **ADMINISTRATION AND GENERAL PROVISIONS**

## **CITY OF BULVERDE, TEXAS**

### **COMPREHENSIVE ZONING ORDINANCE**

#### **SECTION 14.1. ADMINISTRATION AND GENERAL PROVISIONS**

##### **14.1.1. Official Name/Title**

1. The zoning ordinance of the City of Bulverde, Texas is codified as Chapter 14 of the Bulverde Code of Ordinances. The short title by which Chapter 14 is referred to shall be the "zoning ordinance."

##### **14.1.2. Rules of Construction**

1. Words, phrases and terms defined herein shall be given the defined meaning. Words, phrases and terms not defined herein shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
2. The text of the ordinance shall control over captions, titles, and maps.
3. The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.
4. Words used in the singular include the plural and words used in the plural include the singular.
5. Words in the present tense include the future tense and words in the future tense include the present tense.
6. Words importing the masculine shall where the context requires include the feminine and vice versa.

##### **14.1.3. Intent**

The intent of this zoning ordinance shall be to limit, restrict and otherwise regulate, as authorized by the State of Texas, buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the uses of the land in the City of Bulverde, Texas, including the right to regulate and restrict uses to specified districts or zones and to regulate therein the height, number of stories, size of buildings and other structures, percentage of lot that may be occupied, size

of setbacks, yards and other open spaces, density of population and the location and use of buildings, structures and land for retail trade, industry, residential uses or other purposes; and in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

#### **14.1.4. Use of Land**

No land in the City of Bulverde shall be used for, and no building shall be erected for or converted to, any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

#### **14.1.5. General Provisions**

- 1.** Except as hereinafter provided, no building shall be constructed, reconstructed, erected, converted, enlarged or structurally altered nor any building or land used which does not comply with all the regulations established by this ordinance in the district in which such building or land is located and with any other applicable codes and ordinances.
- 2.** Except as hereinafter provided, no lot area shall be so reduced or diminished that the setbacks or other open spaces shall be smaller than herein prescribed.
- 3.** Except as hereinafter provided, no setback or other open space to be used in connection with any building for the purpose of complying with the provisions of these regulations shall be considered as providing a setback or open space for any other building, nor shall a setback or other open space on adjoining property be considered as providing a setback or open space on a lot wherein a building is to be erected.
- 4.** Except as hereinafter provided, every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building and its accessory buildings on one lot except as specifically provided herein for commercial and industrial districts.
- 5.** Building lines in subdivisions previously platted and accepted by the City of Bulverde prior to the effective date of this Ordinance shall be controlled

by such subdivision plats and not by the building line requirements of this ordinance.

6. The percentage of lot coverage shall be that defined under each specific zoning district.

#### **14.1.6. Authority**

1. The city council of the City of Bulverde hereby adopts, and may from time to time amend, this zoning ordinance. The ordinance and any amendment or revision thereto shall be made in accordance with a comprehensive plan. The city council may adopt an interim zoning ordinance.

2. The zoning ordinance shall be composed with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings, structures or uses of land, but the regulations in one district may differ from those in other districts, and the regulations in the Planned Development district shall be unique to each location.

#### **14.1.7. Applicability**

The regulations of this ordinance apply to all buildings, structures, land and uses within the corporate limits of the City of Bulverde.

#### **14.1.8. Purposes**

This ordinance as herein established has been made in accordance with a comprehensive plan for the purpose of promoting and protecting the public health, safety, morals and general welfare of the community and in furtherance of the following related and more specified objectives:

1. Guide and regulate the appropriate use or development of all lands in a manner which will promote the public health, safety, morals and general welfare.

2. Secure safety from fire, flood, panic and other natural and man-made disasters.

3. Provide adequate light, air and open space.

4. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods.
5. Facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements.
6. Provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space, both public and private, to meet the needs of all citizens according to their respective environmental requirements.
7. Encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
8. Promote a desirable visual environment through creative development techniques and good civic design and arrangement.
9. Promote the conservation of open space and valuable natural resources and prevent urban sprawl and degradation of the environment through improper use of land.
10. Encourage coordination of the various public and private procedures and activities shaping land development with a view to lessening the cost of such development and to more efficiently using the land.

#### **14.1.9. Administration and Compliance**

##### **1. Applications, Permits and Inspections**

Except as otherwise provided in this ordinance, the city manager or designee shall administer, interpret and enforce this ordinance, including receiving applications, inspecting premises and issuing building permits and certificates of occupancy. No building permit or certificate of occupancy shall be issued by the city manager or designee unless the applicant has complied with the provisions of this ordinance.

##### **2. Compliance Required**

All land, buildings, structures or appurtenances thereon located within the City of Bulverde, Texas, which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with



the zoning regulations prescribed for the zoning district in which such land or building is located except as hereinafter provided.

### **3. Creation of Building Site**

No permit shall be issued for the construction of a building or buildings upon any tract or plot for uses regulated under the commercial provisions of the International Building Code, including multi-family residential buildings and non-residential buildings on property zoned for single-family residential uses, unless the plot or tract is part of a plat of record, properly approved by the planning and zoning commission, and filed in the plat records of Comal County, Texas.

### **4. Building Construction or Other Work in Violation of Ordinance**

Whenever any building construction or other work is being done contrary to the provisions of this ordinance, the city manager or designee may order the work stopped and also revoke the building permit issued by notice in writing served on any person owning such property, or their agent, or on any person engaged in the doing or causing of such work to be done. Any such person shall immediately stop and cause to be stopped such work until authorized by the city manager or designee to recommence and proceed with the work, or until issuance of a building permit in those cases in which the building permit has been revoked. Such stop work order and revocation of permit shall be posted on the work done in violation of this ordinance.

### **5. Use or Occupancy in Violation of Ordinance**

Subject to the provisions of this ordinance allowing for certain nonconforming uses and/or structures, whenever any land or structure or portion thereof is being used or occupied contrary to the provisions of this ordinance, the city manager or designee may order such use or occupancy discontinued, and the offending structure or portion thereof vacated, by notice served on any person causing such use or occupancy to be continued. Such person shall within 10 days after receipt of such notice vacate such structure or portion thereof or make the structure or portion thereof comply with the requirements of this ordinance.

### **14.1.10. Violations, Penalties and Remedies**

1. Any person, firm or corporation found to be violating any term or provision of this ordinance shall be guilty of a misdemeanor and upon conviction may be fined not less than \$1.00 nor more than \$2,000.00 per offense. Every day a violation continues shall constitute a separate offense.
2. In case any structure is erected, constructed or reconstructed, altered, repaired, converted or maintained in violation of this ordinance, the city and/or any proper person may institute any appropriate action or proceedings to prevent such use or action, to restrain, correct or abate such violation, or to prevent any illegal act, business or use in or upon such premises, including, but not limited to, all remedies provided in Section 211.012 of the Texas Local Government Code. In addition to the remedies enumerated above, the city may recover a civil penalty of \$1,000.00 for each day's violation of this ordinance. The imposition of any penalty herein is cumulative of any remedy provided by law and shall not preclude the city or any other proper person from instituting any appropriate action or proceedings to require compliance with provisions of this ordinance or with administrative orders and determinations made hereunder.

#### **14.1.11. Transitional Provisions**

##### **1. Completion of Building Approved or Under Construction**

Nothing herein contained shall require any change in the plans, construction or designated use of a building under construction on the effective date of this ordinance provided that the entire building shall be completed within one year from the date of the passage of this ordinance.

##### **2. Preserving Rights in Pending Litigation and Violations under Existing Ordinances**

By the passage of this ordinance, no presently illegal or nonconforming use shall be deemed to have been legalized or made conforming unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the proper existing zoning ordinance was repealed and this

ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded in all respects as if such prior ordinance had not been repealed.

#### **14.1.12. Design Standards and Specifications**

The following design standards and specifications in their current edition or as amended are incorporated by reference into this ordinance:

Building Code  
Thoroughfare Standards Rules & Regulations  
Flood Damage Prevention Ordinance  
Erosion Control Ordinance  
Storm Drainage Design Manual  
Fire Code  
Subdivision Ordinance  
Sign Ordinance  
Dark Sky Ordinance

#### **14.1.13. Zoning and Permitting upon Annexation**

- 1.** All territory hereafter annexed to the City of Bulverde shall be initially classified as AG Agricultural district. The procedure for establishing zoning for an annexed territory shall conform to the procedure established by law for a change in zoning.
- 2.** In an area classified upon annexation as AG Agricultural district, the following shall apply:
  - A.** All lots shall meet the development regulations of this ordinance as may be hereinafter specified.
  - B.** No person shall erect, construct, proceed or continue with the erection or construction of any building or structure, or add to any building or structure, or cause the same to be done in any newly annexed territory to the City of Bulverde without first applying for and obtaining a building permit or certificate of occupancy therefore from the city manager or designee.
  - C.** No permit for the construction of a building or use of land shall be issued by the city manager or designee other than a permit which will

allow the construction of a building permitted in the AG Agricultural district, unless and until such territory has been classified in a zoning district other than the AG Agricultural district by the city council in the manner prescribed by law.

**D.** An application for any use on property zoned AG Agricultural shall be made to the city manager or designee, said application to show the use contemplated, a plat showing the size of the lot or tract of land being used, and the location, size and type of buildings to be constructed.

**3.** As soon as practicable after annexation of any of the territory to the City of Bulverde, the city shall institute proceedings on its own motion to give the newly annexed territory a permanent zoning classification and the procedure to be followed shall be the same as is prescribed by law for the adoption of original zoning regulations.

#### **14.1.14. Interpretations**

Questions of interpretation of this ordinance shall be referred to the city manager or designee, who shall have the authority to determine the meaning and interpretation of any provision of this ordinance. Any person aggrieved, or any officer, department, or board of the City of Bulverde affected by an interpretation of the city manager or designee, may appeal the interpretation to the zoning board of adjustment, whose decision in the matter shall be final.

#### **14.1.15. Severability and Effect of Other Ordinances**

It is the intention of the city council that this ordinance and every provision thereof shall be considered severable and the validity or partial invalidity of any section, clause or provision of this ordinance shall not affect the validity of any other portion of this ordinance.

#### **14.1.16. Zoning Restrictions Generally**

1. The City of Bulverde, Texas, is hereby divided into zoning districts for purposes of regulating the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land. In doing so, reasonable consideration may be given, among other things, for the character of each district and its peculiar suitability for particular uses, with the intent of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.
2. The following zoning districts are established and shall be known as:
  - AG — Agricultural District
  - R-1 — Residential District (Single-family detached)
  - R-2 — Residential District (Single-family detached)
  - R-3 — Residential District (Single-family detached)
  - R-4 — Residential District (Manufactured)
  - R-5 — Residential District (Multi-family)
  - C-1 — Light Commercial District
  - C-2 — Commercial District
  - C-3 — Heavy Commercial District
  - I-1 — Industrial District
  - AV — Aviation District
  - PD — Planned Development District
3. The regulations herein established shall apply uniformly to all geographical areas having the same district classification or designation on the official map in all districts, except in the PD Planned Development district. In the PD Planned Development District, a list of permitted uses shall be enumerated, and the height and area regulations and other pertinent standards shall be specified within the ordinance which governs the property for each individual PD tract.

#### **14.1.17. Zoning Map**

1. The boundaries of these zoning districts, together with all matters and things shown on such map, shall be indicated upon the “Official Zoning Map of the City of Bulverde, Texas”, attached hereto as Exhibit “A”,

adopted, approved, incorporated herein and made a part of this ordinance. A copy of the map shall be on file in the office of the city secretary of the City of Bulverde.

2. In all instances, the official zoning map of the City of Bulverde (hereafter called the “zoning map”) shall be used to determine the district classification of property.
3. In cases of uncertainty with respect to the exact location of boundary lines as shown on the zoning map, the following rules shall govern:
  - A. Where district boundaries are indicated as approximately following the centerlines of streets, alleys, highways or railroad rights-of-way, such centerlines shall be construed to be such boundaries.
  - B. Where district boundaries are indicated as approximately following platted lot lines, said boundaries shall be construed as following said platted lot lines.
  - C. Whenever any street, alley or other public way is vacated or abandoned, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

#### **14.1.18. Changes and Amendments**

1. The regulations, restrictions and boundaries established by this ordinance may be amended, supplemented, changed, modified, or repealed from time to time pursuant to Chapter 211 of the Texas Local Government Code. The planning and zoning commission shall make a recommendation on all such proposed amendments, supplements, changes, modifications or repeals, hold a public hearing thereon, and thereafter submit a recommendation on the matter to the city council. In no case, however, shall the commission recommend to the council, nor shall the council approve, a change of zoning use district classification which would constitute spot zoning.

#### **2. Conformance with the Comprehensive Plan**

The governing body may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established. These changes must be adopted in accordance with a comprehensive plan designed to:

- A.** Lessen congestion in the streets;
- B.** Promote public health, safety, morals and the general welfare;
- C.** Prevent the overcrowding of land and provide adequate light and air;
- D.** Avoid undue concentration of population and provide adequate light and air;
- E.** Facilitate the planning and provision of adequate public facilities and services.

### **3. Changes and Amendments to Zoning Ordinance and Zoning Map**

- A.** Changes and amendments to the boundaries of the zoning districts or to the regulations herein established may from time to time, be proposed by the governing body on its own initiative or by individuals or entities owning or representing the owners of land within the City of Bulverde.
- B.** Each change in zoning granted, including each special use permit, granted under the provisions of this article shall be considered as an amendment to the zoning ordinance and zoning map as applicable to such property.
- C.** All applications for changes in the zoning district classification of property, for changes in the textual provisions of this ordinance, special use permits, and for approval by the city council of uses permitted in certain districts, where such approval is indicated in the table of permitted uses contained in this ordinance, shall be filed with the city.
- D.** The city manager or designee shall review the application for completeness and ensure that all necessary material is present for the planning and zoning commission and city council to render an informed decision. The petition, application or proposal for change shall be accompanied by the appropriate filing fee established by city council, if any. No notice of any petition, application, or proposal shall be issued and no hearing shall be held before the commission or the city council until the prescribed fees are paid.

- E.** Staff, the planning and zoning commission and the city council may request information in addition to the basic application, including but not limited to, architectural renderings, traffic impact studies and noise studies deemed necessary and proper for the review of the proposal.
- F.** Prior to the public hearing, city staff shall post one or more signs along each street frontage of the site notifying of the matter pending. The signs shall include the following:

  - 1.** Action requested.
  - 2.** Planning and zoning commission hearing date and time.
  - 3.** City Council hearing date and time.
  - 4.** Location of the hearings.
  - 5.** Contact telephone number for additional information.
- G.** Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the planning and zoning commission for public hearing and a recommendation. Public hearings shall be held only after notices required by the laws of the State of Texas shall have been given in the manner prescribed by law.
- H.** All applications for rezoning or a special use permit or other use requiring approval by the city council which have been recommended favorably by the planning and zoning commission shall be presented by the applicant to the city council within six months from the date of the commission's recommendation. In the event the applicant fails to proceed by filing an application for approval by the city council of the rezoning or use within six months, the city council shall not act on said application until it has been resubmitted to the planning and zoning commission for action. The application shall then be treated as an original application for rezoning or approval of the use, requiring public notice and a new public hearing before the commission.

#### **4. Repeat Applications**



- A.** No application for the rezoning of any lot, lots or tract of land, or for approval of any use requiring approval by the city council, shall be received or filed with the commission and no hearing held, if, within the previous six months, a similar application was received or filed and withdrawn before a full, fair and complete and final hearing was held before the city council. The city manager or designee shall determine whether the application is similar to a previous application; however, if the applicant produces new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing, under a sworn affidavit to that effect, the commission may waive the six month limitation and proceed to hear and consider such application following proper hearing and notice consistent with the Texas Local Government Code.
- B.** No application for the rezoning of any lot, lots or tract of land, or for approval of any use requiring approval by the city council, shall be received or filed with the commission and no hearing held, if, within the previous year, the city council, after consideration and hearing, has denied an application for rezoning or approval of the use on the same property.

## **5. Joint Public Hearing**

In accordance with the provisions and authority of the Texas Local Government Code, the city council may hold any public hearing, after published notice as required by law, jointly with any public hearing which is required by law to be held by the planning and zoning commission, provided, that in such case the council shall not take action on any matter before the joint hearing until it has received the recommendation of the commission.

### **14.1.19. Special Use Permits**

- 1.** The city council of the City of Bulverde, Texas, after public hearing and proper notice to all parties affected, and after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining properties, may approve certain uses not allowed by right as special use permit uses in various districts as specified herein.
- 2.** Uses requiring a special use permit are listed in the Table of Permitted Uses by zoning district. Those uses which are allowed by special use

permit in certain districts in the Table of Permitted Uses may be requested in those districts only and may not be requested in other zoning districts.

3. Any use which is not contrary to city, county, state or federal laws and which is not listed as an allowed use in the zoning ordinance shall hereby be deemed a special use permit use which may be requested in any district and subject to the provisions of this article.
4. Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance and zoning map as applicable to such property, and shall be adopted as a separate ordinance. In granting such permit, the city council may impose such conditions as may be necessary to promote and protect the public health, safety, order, morals, convenience, prosperity and general welfare. Said conditions shall be complied with by the grantee before a certificate of occupancy may be issued.
5. Any changes to a special use, or development of a site for the special use, shall be treated as an amendment to the special use permit and shall be subject to the same application and review process as a new application.
6. Special use permit proposals should refrain from gifts/donations of land or money not associated with meeting other sections of this ordinance or any other ordinances of the city, or not directly related to an impact of the proposed development. Acceptable monetary gifts/donations of land may include payments to the tree fund or dedication of parkland as required by the subdivision ordinance.
7. The owner of the property approved for special use permit may voluntarily request termination of the special use permit by notifying the City Manager or his designee in writing.

The City Manager or his designee shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the City Manager or his designee determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of 30 days to come into compliance. If after 30 days the violations continue to exist, then the City Manager or his designee shall forward a report to the city council through the planning and zoning commission which may recommend that action be taken to remove the special use permit from the property, and refusal to issue or revoke the

certificate of occupancy. Any violations are also subject to criminal and civil penalties of this ordinance.

#### **14.1.20. Planning and Zoning Commission**

The planning and zoning commission for the City of Bulverde is granted all of the powers and authority granted in Chapter 211.007 of the Texas Local Government Code as amended and in the Charter of the City of Bulverde, Texas, Chapter 1, Article 1, as amended. The commission shall have the power to establish rules, regulations and by-laws for the conduct of its own business.

#### **14.1.21. Zoning Board of Adjustment**

1. The City Council may appoint a zoning board of adjustment for the City of Bulverde which shall be granted all of the powers and authority granted in Chapter 211.009 of the Texas Local Government Code as amended and as provided by ordinance. The board shall have the power to establish rules, regulations and by-laws for the conduct of its own business.
2. All applications for variances to the provisions of the zoning ordinance or special exceptions as defined herein shall be filed with the city. The city manager or designee shall review the application for completeness and ensure that all necessary material is present for the board to render an informed decision. The application shall be accompanied by the appropriate filing fee established by city council, if any. No notice of any petition, application, or proposal shall be issued and no hearing shall be held before the commission or the city council until the prescribed fees are paid.
3. No variance or special exception shall be granted on property that is not properly platted.
4. Where a variance is granted by the board and a building or structure is not started pursuant to such variance within 90 days of the hearing thereon, or completed within two years of such hearing, such variance becomes null and void and of no force and effect.

5. The board may authorize a special exception to the residential setback requirements of the zoning ordinance if the following criteria are met:
  - A. The latest recorded plat of the property was approved prior to the property being incorporated or annexed into the city;
  - B. The latest recorded plat or other recorded restriction for the property establishes a setback, or other regulation that results in a setback, that is less restrictive than the setback required by the city's zoning regulations;
  - C. Granting the special exception will not establish a setback that is less restrictive than the setback required by the latest approved plat or other recorded restriction;
  - D. Granting the special exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located;
6. To ensure that the granting of a special exception will not be detrimental to the public welfare or injurious to the property or improvement in the district or neighborhood in which the property is located, the Board may, as part of the decision to grant a special exception:
  - A. Impose reasonable conditions or restrictions;
  - B. Grant a setback between the one requested and the setback currently established in the zoning district where the property is located.

#### **14.1.22. Health and Safety Regulations**

1. The owner of any site, tract or lot shall at all times keep the premises, building, improvements and appurtenances in a safe, clean, wholesome condition and comply with the health, fire and police regulations and requirements of the city and those of Comal County, and the owner will remove at his or its own expense, any junk or waste of any character whatsoever which may accumulate on the site, tract or lot.
2. No continuous activities shall be permitted in any district which would produce noise, odors, fumes, vibration, dust, electronic interference or violation of any laws, ordinances, statutes, codes, rules, regulations, orders and decrees of the United States, the State of Texas, Comal

County, the city, or any other political subdivision which has the power and authority to promulgate such decrees with respect to the use of properties within the city, including, but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601, et seq.) (“CERCLA”), as amended from time to time and regulations promulgated thereunder; the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901, et seq.), as amended from time to time and regulations promulgated thereunder, and any applicable Texas environmental statutes or regulations promulgated thereunder.

#### **14.1.23. Nuisances**

1. The erection, structural alteration or maintenance of any structure, or the use of any land or structure in violation of this ordinance or other ordinances relating to the area and district in which such land or structure are located, are a public nuisance when such action constitutes a fire or health hazard, or interferes with the quiet or peaceable enjoyment of property by other persons, or interferes with their health or safety.
2. Nothing in this ordinance shall be construed as impairing or repealing any other ordinance of the city regarding nuisances.

#### **14.1.24. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication as required by law. Passed and approved this the 13 day of September, 2016.

## **SECTION 14.2.**

### **DEFINITIONS**

## SECTION 14.2. DEFINITIONS

For the purposes of this ordinance, the following phrases, terms, words and their derivation shall have the meanings given in this section.

*Abutting or Adjacent.* Sharing all or a part of a common lot, property or district line.

*Accessory Building or Structure.* A building or structure detached from the principal building located on the same lot, the use of which is customarily incidental and subordinate to the building or structure containing the principal use.

*Accessory Use.* A use customarily incidental and subordinate to the principal use of land or building(s) and located on the same lot.

*Aerial Surveying.* A business engaged in collecting imagery using airplanes or other aerial methods and including the storage of the aircraft and other equipment necessary for the operation of the business.

*Agriculture.* The use of land for farming or raising livestock occupying a minimum of thirteen acres, but excluding raising swine and the keeping of wild or exotic creatures

*Aircraft Service/Maintenance.* A business that provides maintenance services for aircraft engines and other aircraft components.

*Aircraft/Aircraft Parts Storage.* A business and the associated buildings or structures in which aircraft or aircraft parts are stored.

*Airport/Heliport/Landing Field.* A solid surface designed, configured and constructed for the purpose of accommodating aircraft take-offs and landings, including all of the required safety features and improvements.

*Alley.* A minor public right-of-way which is not intended to provide the primary means of access to abutting lots but which is used principally for utilities and/or vehicular service access to the back or sides of properties with primary access on a public street.

*Ambulance Service, Private.* A privately owned business that provides emergency transportation service to the public, including facilities for the storage and maintenance of vehicles, office space, and sleeping quarters for on-call employees.

*Amusement Center, Inside.* A commercially operated facility offering entertainment or games of skill for a fee or charge, where all activities are conducted inside a building. Such facilities may include bowling lanes, bingo parlors, electronic game arcades, and pool/billiards tables as well as accessory uses such as concession sales.

*Amusement Center, Outside.* A commercially operated facility offering entertainment or games of skill for a fee or charge, which may include inside such as such as bowling lanes, electronic games or pool/billiards tables or outside activities such as a golf driving range, miniature golf course, water slide, go-kart track or skateboard facility as well as accessory uses such as concession sales.

*Animal Clinic.* A facility in which the veterinary practice conducted typically includes basic out-patient diagnostics and treatment services for domestic pets and small animals, and limited laboratory and surgical facilities and which may include accommodations for inside or outside boarding as allowed herein.

*Animal Hospital.* A facility in which the veterinary practice conducted typically includes a full range of in-patient and out-patient services for animals of all types, including treatment services, diagnostic and testing laboratories, and specialized surgical facilities and which may include accommodations for inside or outside boarding as allowed herein.

*Antenna.* A device or apparatus consisting of one or more wires, rods, or similar components arranged to send and receive radio, television, electromagnetic or microwave signals. For purposes of this section, several antenna components may be assembled to perform a single function for a single operator and may be considered one antenna. (See also *Radio/Television/Microwave/Cell Tower.*)

*Antique Store.* A retail establishment offering for sale within a building, works of art, furniture, decorative objects, or other artifacts of an earlier period which have value and significance as a result of age, design, or sentiment.

*Apartment Home.* A multi-family structure with three or more dwelling units intended for lease and located on a single lot, each unit designed as a long-term residence for occupancy by one family living independently of any other family. This definition specifically excludes hotels or motels.



*Appliance Repair.* A business engaged in the repair or installation of household appliances.

*Applicant.* The legal or beneficial owner, or duly appointed owner's representative, of the land proposed to be included in the application. The holder of an option or contract to purchase, a lessee having a remaining term of not less than four years, or other person having an enforceable proprietary interest in such land, may serve as an applicant for the purposes of this ordinance with the written authorization of the property owner or owner's representative.

*Armory/Munitions Storage.* A facility for the storage of arms, ammunition or other war materials, excluding retail sales of such materials.

*Art Gallery.* An establishment for the sale, loan, appraisal, and display of original works of art or limited editions.

*Articulation.* The use of varying depth of wall planes both in the vertical and horizontal dimension of a building or structure to create interest and an aesthetically pleasing appearance in the facade.

*Aspect Ratio.* The proportional relationship between the depth of a lot and the width of the lot with the depth being the first integer followed by the width expressed as a constant value of one.

*Assisted Living Facility.* An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services as defined by the Texas Health and Safety Code, including assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, the administration of medication by qualified personnel, or the general supervision or oversight of a resident's physical and mental well-being.

*Attic.* The area between the roof and the ceiling of the rooms below that is not habitable and does not have a permanent stairway. Improvement to habitable status shall make the space a story.

*Aviation Fuel Sales.* The sale and dispensing of specialized petroleum based fuels for the powering of airplanes and other aircraft.

***Bakery, Commercial.*** A facility for the production and packaging of baked goods in commercial ovens for sale to restaurants, grocery stores and other large-scale users, but not for sale directly to the public.

***Bakery, Retail.*** A retail establishment for the production and sale of baked goods on the premises to the public.

***Bank or Financial Institution.*** A financial institution, including a bank, savings bank, savings and loan, or other similar institution however designated, which transacts business with its customers for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds in an interior banking lobby and/or in a drive-in bank. Pawn shops, check cashing businesses, payday advance/lending business, car title loan business and pawnshops are excluded from this definition.

***Banquet/Reception/Multi-purpose Space.*** In a church or worship facility, any area designed as space for events such as banquets, receptions, large meetings, programs or performances and excluding the main worship area, kitchen space, restrooms, classrooms, offices and similar space.

***Bar/Tavern/Private Club.*** An establishment where the revenue from the sale of alcoholic beverages for on-premises consumption constitutes more than 50% of the gross revenues of the business.

***Barber or Beauty Shop.*** An establishment employing persons to cut or style men's and women's hair with incidental cosmetic services to include skin and nail care and the sale of hair and beauty products.

***Barn.*** A large building or structure on a farm used for the storage of grain, hay, straw, farm equipment and supplies for activities taking place on the property on which it is located and the housing of livestock.

***Basement.*** That portion of a structure below grade level and enclosed on at least two sides.

***Bed and Breakfast Inn.*** A facility, often a private home, but including a hotel, offering a room for the night and breakfast the next morning for one inclusive price.

***Bicycle Sales/Service.*** A business offering bikes and bicycling attire and accessories for sale and providing bicycle repair and maintenance services.

***Bioswale.*** A landscape feature consisting of a drainage swale with gently sloped sides designed to remove silt and pollution from surface water runoff and improved in an aesthetic manner with vegetation, river rock, riprap or other appropriate material.

***Boarding Kennel.*** An establishment in which five or more domestic animals more than four months of age are housed, groomed, bred, boarded, trained or sold for commercial purposes and which may include inside or outside pens and kennels as specified herein.

***Boat Sales/Service.*** An establishment for the sale and/or leasing of new or used boats or other watercraft including, as accessory uses on the same lot or tract, the repair, servicing and storage of boats and other watercraft.

***Body Piercing/Tattoo/Permanent Cosmetics Studio.*** An establishment where services including body piercing, tattooing, and the application of permanent cosmetics are offered to consumers for a fee.

***Book or Stationery Store.*** A retail establishment primarily engaged in the sale of books, magazines, newspapers, greeting cards, postcards, paper goods, party supplies, and/or any other printed information, excluding any business in violation of Article 4.03, Sexually Oriented Businesses, of the Bulverde Code of Ordinances as amended.

***Breezeway.*** A roofed, open-sided passageway connecting two structures, such as a house and a garage.

***Brewery, Large-scale Production.*** The manufacture, bottling, storage and distribution of beer beyond the scale of a micro-brewery and operating in conformance with the requirements of the Texas Alcoholic Beverage Code and Article 4.02, Alcoholic Beverages, of the City of Bulverde Code of Ordinances.

***Bufferyard.*** The portion of a lot within the side or rear setback that is required to remain open except for landscaping in order to buffer commercial, industrial and aviation zoning districts and uses from residential zoning districts and uses.

***Building.*** A structure designed, built or occupied as a shelter or roofed enclosure for persons, animals, property, records or other movable property whether for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or other purposes, and when

separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

*Building Materials Sales.* A business engaged in the sale of building materials, but not including the full range of products and services available at a Home Improvement Center and including no outside storage.

*Business/Professional/Administrative/Medical/Dental Office.* One or more buildings or rooms within a building designed and operated as a single unit for lease to one or more tenants for professional or administrative offices, executive or management functions, the provision of medical or dental services or for the conduct or transaction of a business, profession, service, or government, provided that no goods are offered for sale on the premises except the incidental sale of medical or optical goods in a medical or dental office as a convenience to the patrons, such as the sale of optical goods in the office of an optometrist or ophthalmologist. An office does not include or involve the manufacture, fabrication, production, processing, assembly, cleaning, testing, or storage for sale of materials, goods or products.

*Cabinet Shop.* A business in which cabinets and fine wood furniture are manufactured and customized.

*Camera/Photographic Supply/Equipment Shop.* A retail establishment primarily engaged in the sale, lease, and service of photography equipment and supplies, including incidental on-site film processing or developing.

*Car Title Loan Business.* Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under the Texas Finance Code that makes small, often short-term consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

*Car Wash.* A building in which automobiles and light duty trucks are washed, cleaned, or waxed.

*Caretaker's Quarters.* A dwelling unit located on the same lot as the main building or portion of the main building, used and occupied as living quarters for persons employed on a full-time basis by the occupant of the

premises as domestic help, such as a maid, gardener, chauffeur, cook, ranch hand, residing on the premises. Such quarters shall not be rented or otherwise used as a separate dwelling and shall not have separate utility connections.

*Caretaker Quarters, Resident Manager.* A dwelling unit located in the main building in a warehouse, distribution, showroom or wholesale use or self-storage warehouse, used and occupied as living quarters for a person employed on a full-time basis as the manager or caretaker of the property or the business. Such quarters shall not be rented or otherwise used as a separate dwelling and shall not have separate utility connections.

*Carport.* An enclosure, not exceeding 12 feet in height and completely open to the free movement of air from floor to roof on at least two sides, designed primarily for the shelter of motor vehicles.

*Catering Service.* An establishment providing meals or refreshments for off-site consumption for a fee, without on-site banquet facilities.

*Cellar.* A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

*Cemetery/Mausoleum.* An area of land containing or reserved for graves, tombs, or funeral urns (cemetery) and/or a free-standing building (mausoleum) constructed to contain interment space or a burial chamber for the remains of a deceased person or people.

*Check Cashing Business.* Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under the Texas Finance Code that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time in exchange for a cash advance for a fee; the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity for a fee. This definition excludes a state or federally chartered bank, savings and loan association or credit

union, pawnshop or grocery store that cashes small numbers of checks as a convenience service.

*Church or Other Place of Worship.* Any structure used principally for regular assembly for religious worship and those accessory uses or activities which are customarily associated therewith, such as a rectory or parsonage, but excluding a school or community athletic facility unless approved by Special Use Permit.

*City Council or Council.* The City Council of the City of Bulverde, Texas.

*City Manager or Designee.* The City Manager of Bulverde, Texas or the person appointed by the City Manager as his representative to administer the plans and city ordinances related to land development and architectural standards, sometimes after consultation with experts as necessary to carry out the provisions of this ordinance.

*Clothing or Apparel Store.* A retail establishment selling garments, shoes and/or accessories.

*Cluster Home.* A home in a residential neighborhood designed so that lots are grouped or clustered for the purpose of preserving open space, recreational or agricultural areas within the neighborhood.

*College/University.* An educational institution designed for instruction and examination of students beyond the secondary school level in many branches of learning and conferring degrees in various fields of study, but excluding technical/occupational training schools.

*Community Garden.* A plot of land cultivated collectively by a group of people.

*Concrete/Asphalt Batch Plant.* A business involving an assembly of mechanical and electronic equipment to combine and mix ingredients such as sand, water, aggregate, fly ash, cement and other components to create concrete, or aggregates, recycled materials or other additives to produce asphalt to meet specified requirements.

*Condominium Home.* A residence designed for occupancy by one family, built and owned as an individual, attached housing unit and part of a larger development of other similar units under single management. Each condominium owner is also the owner of a share of the common area in the development.

*Construction Field Office.* A building or structure allowed by temporary permit issued by the City Manager or designee to house temporary administrative and supervisory functions and to shelter employees and equipment during the active construction period of a development or building project.

*Contractor's Office.* The office of a business engaged in construction, repair or service activities, such as heating/air conditioning, plumbing, painting, irrigation, pest control, or carpet cleaning, excluding the storage of service materials and vehicles related to the business unless expressly permitted herein and excluding heavy construction equipment.

*Convenience Store.* A retail establishment occupying less than 10,000 square feet of building area engaged in the sale of packaged foods, beverages, tobacco products, magazines and newspapers, and personal or household merchandise.

*Convenience Store with Gasoline Sales.* A convenience store as defined herein that includes facilities for the retail dispensing and sale of motor vehicle fuels.

*Country Club, Private.* Land and buildings that may include a golf course, clubhouse, restaurant, swimming pool, tennis courts, pro shop, and similar recreational or service uses available only to members and their guests.

*Court.* An open, unobstructed space bounded on more than two sides by the walls of a building.

*Courtyard.* An open space surrounded by walls on four sides.

*Dance Hall.* A building or part of a building with facilities and accommodations for dancing excluding any activities in violation of Article 4.03, Sexually Oriented Businesses, of the Bulverde Code of Ordinances as amended.

*Data Center.* A building containing a large number of networked computers and servers used for the remote storage, processing or distribution of large quantities of data.

*Day-Care, Adult.* A non-residential facility that supports the health, social, nutritional, and daily living needs of adults during the day in a professionally staffed, group setting away from the home on an on-going or occasional basis.

*Day-Care, Child.* A non-residential facility licensed or certified by the appropriate agency of the State of Texas that provides non-medical care, training, education, or supervision for children under 14 years of age for less than 24 hours per day, usually on an on-going basis, by a person or persons other than the child's legal guardians that are not part of the immediate family.

*Day Spa.* An establishment offering health and beauty treatment through such means as steam baths, exercise equipment and massage but not offering overnight accommodations.

*Department Store.* A business that is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, exhibited, and sold directly to the customer for whom the goods and services are furnished. Said merchandise may include but shall not be limited to wearing apparel, home appliances and electronics, furniture and home furnishings, tools and hardware.

*Distribution Center.* A building or facility for the storage and distribution of wholesale items, goods, products or merchandise for transfer for sale to a retail store.

*Dripline.* The area of ground surrounding the trunk of the tree considered essential to protecting the root structure of a tree. For the purposes of this ordinance, the dripline shall be calculated at one foot for every one inch of caliper width measured at four feet above natural grade level, i.e. a 12-inch tree would require a dripline with a 12-foot radius.

*Driving Instruction School.* A school teaching motor vehicle driving skills to individuals, to include classroom teaching and driving practice in a vehicle with a qualified instructor.

*Drug Store/Pharmacy.* A store where pharmaceutical and medicinal products are prepared and dispensed for sale along with a small amount of household convenience and personal items such as cleaning and paper products, greeting cards, cosmetics, candy and tobacco items.

*Duplex Home.* A freestanding building on one lot, having separate accommodations for and occupied by not more than two families, one family in each dwelling unit.



*Dwelling Unit.* One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including rooms for living, sleeping, eating and sanitation

*Equipment Rental, Heavy Equipment.* A business which offers heavy equipment, such as construction or farming equipment and implements for short-term lease or rental, including the outside storage of such equipment.

*Exterminating Service.* A business primarily engaged in exterminating and controlling insects, rodents and other pests in and around buildings and other structures, including the on-site storage of materials, equipment and vehicles associated with the business.

*Fabric Store.* An establishment engaged in the retail sale of cloth, textile products, notions and related items.

*Façade.* That portion of any exterior wall of a building extending from the adjacent ground grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.

*Family.*

- (1) An individual; or
- (2) Two or more individuals related by blood, marriage or adoption, living together in a dwelling unit; or
- (3) A group of not more than five individuals not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, and sharing common facilities.

*Farm Equipment/Supply Sales.* A business offering for sale farm supplies, including feed, seed, fertilizer and agricultural chemicals, but excluding the storage of grain in silos, the storage of hay in barns, or the sale of heavy farm equipment such as tractors or farm implements.

*Farmer's Market.* A temporary outdoor marketplace on private property where individual vendors offer produce, food, or other products such as fruits, eggs, vegetables, pasteurized dairy products and honey, and other allowed foods for sale directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products, This definition excludes a flea market or other gatherings or markets offering new or used merchandise, personal effects, tools, or other outdoor retail sale or promotion.

*Farming.* The growing of usual farm products, vegetables, fruits, trees, grain, and the raising of usual farm animals such as horses, cattle, and sheep, but excluding the raising of swine and exotic animals, and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

*Feed/Grain/Hay Storage.* The storage of farm supplies or products, such as animal feed, grain, or hay in a barn or other structure for the purpose of storing the supplies or products on a long-term basis for use by the owner or sale to others.

*Fine Arts Studio.* A school teaching classes in fine arts such as dance, music, painting, sculpting and drama.

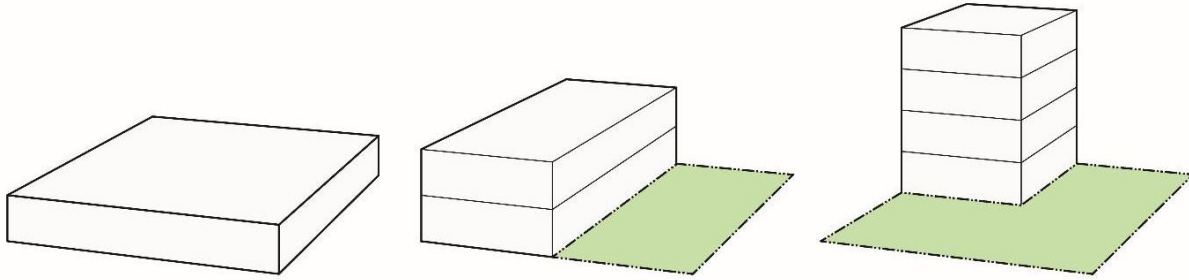
*Fine Arts Studio with Small-scale Production.* A fine arts studio with limited production of sculpture, pottery or other artworks involving the use of kilns, acetylene torches, screens, presses or similar equipment.

*Fire/EMS Facilities.* A building used to store firefighting vehicles and equipment and serving as a base for firefighters and/or Emergency Management Services personnel.

*Floor Area, Gross.* The sum of the gross horizontal areas of the several floors of a building, including interior balconies or mezzanines, but excluding stairwells and elevator shafts. All horizontal dimensions are to be measured between the exterior faces of walls, excluding unenclosed porches and patios.

*Floor Area, Minimum, Residential.* The sum of the gross horizontal areas of all floors of a building, including interior balconies or mezzanines, but excluding stairwells and elevator shafts. All horizontal dimensions are to be measured between the exterior faces of walls, excluding unenclosed porches, patios, garages or accessory buildings on the same lot.

*Floor Area Ratio (FAR).* Ratio of the Floor Area, Gross to the Gross Land Area expressed as a value of x:1.



EACH DRAWING ILLUSTRATES A FLOOR AREA RATION OF 1:1

***Flight School.*** A school or course of study for the purpose of learning and practicing the basic airmanship skills necessary to pilot an aircraft.

***Florist.*** An establishment for the display and retail sale of flowers, small plants and floral accessories.

***Food Truck Park.*** A paved area where mobile food vendors can locate for the purpose of preparing and offering food and beverages for sale from motorized vehicles with on board power, refrigeration, food preparation facilities, and room for a small number of employees.

***Franchise Architecture.*** The design and construction of buildings for which the tenants or uses are readily recognizable solely by the architectural elevations, colors, materials or other architectural elements of the building or buildings or the arrangement thereof.

***Fraternal Organization/Civic Club.*** An organized group having a restricted membership engaged in civic, social and fraternal activities.

***Front of Building.*** The facade of a building facing a public street. If a residence is on a corner lot, the resident's official postal address is considered to be the front. In non-residential buildings, the owner shall designate which is the front of the building based on which is the front yard of the lot.

***Front Yard.*** See *Setback*, *Front*.

***Funeral Home/Mortuary.*** A building used for the storage and preparation of human bodies prior to their burial or cremation and the display of the

deceased and the conducting of ceremonies connected therewith before burial or cremation.

*Garage.* A building or part thereof accessory to a main building and providing for the storage of automobiles, enclosed on all four sides and pierced only by windows and customary doors. No occupation or business or business for profit may be carried on in a garage on residential property.

*Garage, Attached.* An enclosed portion of a residential structure attached to the principal building by a common wall and roof and designed for the parking and storage of vehicles by the occupants of the residence.

*Garage, Detached.* An enclosed structure accessory to and detached from the principal residential structure, designed for the parking and storage of vehicles by the occupants of the residence.

*Garden Center.* An establishment for the retail sale of shrubs, trees, plants and related products such as seeds, potting soil, hardware and garden equipment, fountains and statuary to the consumer, and including the storage and display of live plant material both inside in covered areas and outside in designated areas.

*Gardening.* The small-scale cultivation of fruits, vegetables, flowers, etc., on a plot of land or a portion thereof.

*Gasoline Service Station.* A building or premises, or any portion thereof, for the retail dispensing and sale of motor vehicle fuels, lubricants and automobile accessories including minor motor vehicle repair. See also *Convenience Store with Gasoline Sales*.

*Gift Shop.* A store selling souvenirs or other items appropriate for gift-giving.

*Glass Sales, Retail.* A business for the retail sale of plate glass, auto glass and other sheet glass products or similar.

*Golf Course, Private.* An area of land laid out for playing at least nine holes of the game of golf and improved with tees, greens, fairways and hazards available to members only and may include incidental uses such as a clubhouse, pro shop or restaurant.

*Golf Course, Public.* An area of land laid out for playing at least nine holes of the game of golf and improved with tees, greens, fairways and hazards

open to the public for a fee and may include incidental uses such as a clubhouse, pro shop or restaurant.

*Grocery Store.* A retail establishment, excluding a convenience store, for the display and sale of meat, fruits, fresh and packaged foods, cleaning supplies, paper goods, pet supplies, health and beauty products, bakery products, dairy products and similar items for human consumption and may include a bakery, delicatessen or prescription pharmacy.

*Gross Floor Area.* The total area of a building, measured from the exterior surface of all exterior walls, including basements, elevator shafts or stairwells at each floor, interior balconies or mezzanines, and floor space in accessory buildings. Off-street parking structures are expressly excluded from this category.

*Gross Land Area.* The total land area of a lot, tract or parcel, inclusive of street or alley rights-of-way that are internal to the site.

*Guest House.* A dwelling unit located on the same lot as the main building or a portion of the main building in an Agricultural zoning district used and occupied by guests of the occupant of the premises which shall not be rented or otherwise used as a separate dwelling and which shall not have separate utility connections.

*Halfway House/Transitional Home.* Transitional living places for persons in recovery from substance abuse, mental illness or similar situations who are readjusting to society or shelters for women or children in transition from previous living arrangements.

*Hangar.* A covered and enclosed building or structure for the storage of airplanes or other aircraft.

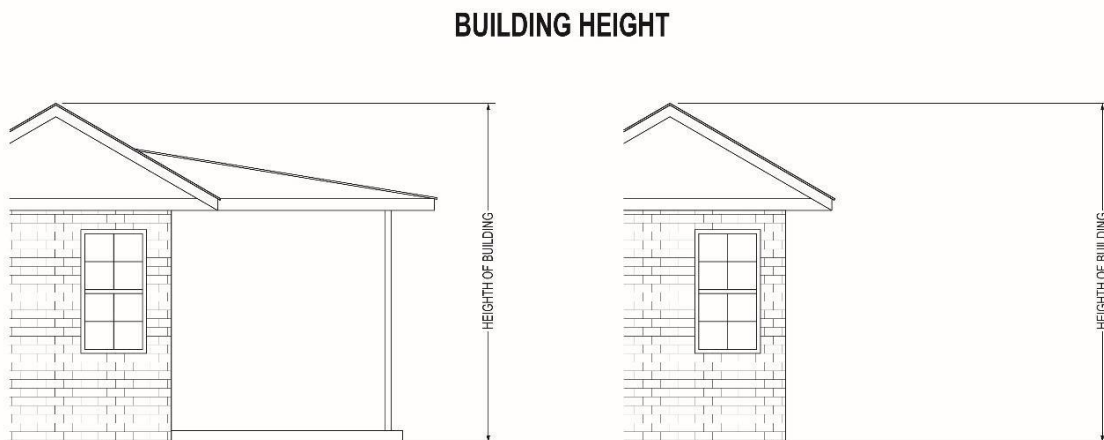
*Hardboard Siding.* Exterior walls constructed of hardboard siding materials as defined by the Bulverde Building Code.

*Hardware Store.* A facility engaged in the retail sale of various basic hardware lines, such as electrical and plumbing goods, tools, paint, glass, wallpaper, housewares, and lawn and garden supplies and not exceeding 30,000 square feet in size.

*Health Club/Fitness Center.* An indoor facility provided for individual or group exercise and recreational activities including aerobics, workout equipment, calisthenics, weight training, running, swimming and court

games, and providing shower facilities and changing areas and may include spas, gymnasiums, and incidental uses such as childcare facilities, food service, and pro shops oriented to customers during their use of the facility.

***Height of Building.*** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the highest roofline on the structure.



***Historic Tree.*** A tree of notable historical interest and value to the City of Bulverde because of its location or historical association with the community and designated as a “historic tree” by the City Council after recommendation by the Planning and Zoning Commission and after a public hearing and due notice of such to the owner of the property where the tree is located.

***Home Décor and Accessory Sales.*** A store selling a variety of small furnishings and household items used to enhance the interior of a room or home.

***Home Furniture/Furnishings/Appliance Store.*** A retail establishment engaged in the sale of new goods for furnishing the home, including but not limited to furniture, floor coverings, window coverings and household appliances.

***Home Improvement Center.*** A large retail store specializing in various products for the maintenance and improvement of residential properties, including lumber, building materials, paint, hardware, flooring, plumbing materials a garden center and other items for do-it-yourself jobs. The

business may also include, as a secondary activity, a contractor's desk for the pick-up of such materials if appropriate loading and unloading accommodations are provided.

*Home Office.* A portion of a dwelling unit, not exceeding 25 percent of its gross floor area, which is incidentally or occasionally used by the dwelling unit's occupant for professional or administrative activities related to the occupant's business, trade or profession, provided that the home office use is conducted in compliance with the regulations contained in Section 14.12. Supplemental Regulations for Certain Uses.

*Hospital.* An institution licensed by the State of Texas having rooms and facilities for sick or injured persons, and providing services for in-patient medical or surgical care or the treatment of mentally ill, convalescent, or infirm persons and which may include related facilities such as laboratories, out-patient services, training facilities, and administrative offices provided that such related facilities are incidental and subordinate to the principal use and must be an integral part of the hospital.

*Hotel.* A building or group of buildings constructed so that the rooms open to the interior of the building and offering to the general public different room levels (standard, premium, suite) on a daily rate for overnight or temporary lodging and typically providing additional amenities such as food service, banquet/meeting rooms, fitness/recreational facilities, Wi-Fi or a business center.

*Household Electrical/Electronic Equipment Sales/Repair.* A business that provides repair or maintenance services, including cleaning and installation of replacement parts, for household electrical or electronic equipment.

*Household Equipment Rental.* A business that provides household furniture and/or household equipment such as furniture and appliances, for rent or for lease.

*Human Scale.* A design concept that assumes that people are most comfortable in surroundings that relate to the size of the human body.

*Interior Design/Decorating Studio.* A place of business for interior design services which may include an inventory or display of samples fabrics, wall and window coverings, and other similar items.

*Junk.* Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to

some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

*Jewelry Store.* A retail establishment engaged in the sale of precious and semi-precious metals and stones in the form of jewelry.

*Landscape Nursery, Wholesale.* A commercial establishment where large quantities of many kinds of plants are grown for the purpose of wholesale or retail sale elsewhere.

*Laundromat.* A facility where clothing and other fabrics are washed or dried in machines operated by patrons.

*Laundry or Dry Cleaning Pick-up Location.* A facility for pickup and delivery of individual consumer clothing or other textiles to be dry cleaned or laundered and without laundry equipment, dry cleaning equipment or operations on the premises.

*Laundry or Dry Cleaning Plant.* A building or portion thereof in which articles of clothing and other textiles are laundered, pressed or dry cleaned on-site.

*Lawnmower Sales/Service.* A business engaged in the sale, repair or service of lawnmowers and other lawn maintenance equipment and parts provided all materials and equipment are stored inside.

*Leather Goods/Luggage Sales.* A store selling luggage or goods made of leather.

*Liquor/Wine Package Sales.* A store for the retail sale of wine and/or liquor for off-premises consumption, often referred to as a package store, in compliance with the requirements of the Texas Alcoholic Beverage Control Agency and the regulations in Article 4.02, Alcoholic Beverages, of the Bulverde Code of Ordinance as amended.

*Locksmith.* A business engaged in the making and repair of locks and keys and the provision of emergency lock-out services.

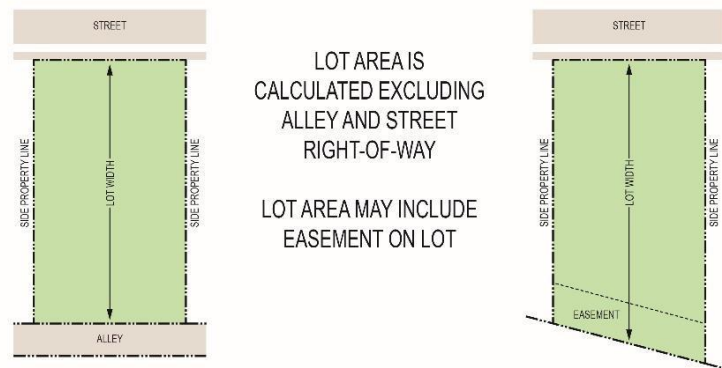
*Lot.* A designated parcel, tract or area of land having frontage on a public or private street which has been properly subdivided, platted and recorded to be separately owned, used, developed or built upon.



**Lot Coverage.** That area or percentage of the lot covered by the main building and all accessory buildings or structures, excluding breezeways, and covered patios.

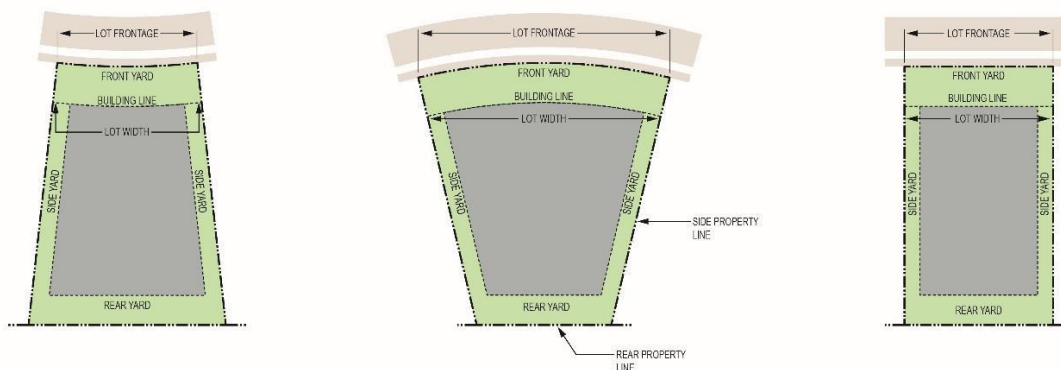
**Lot Depth.** The average of the depth measured from the at the front property line to the rear lot line on both sides of the lot. distance measured from the front lot line to the rear lot line, with at least one of the side lot lines meeting the minimum depth required by the applicable zoning district regulations.

### LOT AREA AND DEPTH

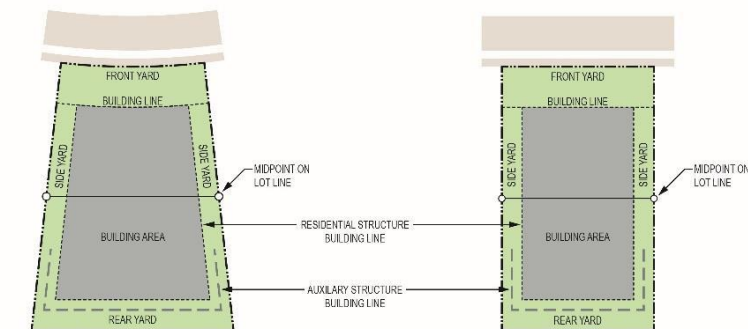


**Lot Width.** The average of the widths measured at the front property line and at the rear property line.

### LOT WIDTH



### LOT WIDTH



**Machine Shop/Metal Fabrication/Welding Shop.** A business that uses machine tools, cutting tools, furnaces or fusing tools to cut, bend or hammer materials, make and assemble parts and components, build structures using metal, plastic, glass or other raw materials.

**Mailing Service.** A privately-owned business engaged in providing packing and mailing services and the sale of related supplies and may include the offering of mailboxes for lease to customers.

**Main Building.** The building in which is conducted the principal use of the lot on which it is located.

**Manufactured Home.** Any home built on a permanent chassis to ensure transportability, but typically not moved from its initial installed site, factory-built in the U.S. to the HUD Title 6 construction standards which:

- (1) Has a minimum width of at least twenty feet, excluding attendant structures or site built additions;
- (2) Is permanently affixed to a foundation with a visible foundation system forming a complete enclosure under exterior walls;
- (3) Has skirting, exterior walls, and roofs which are acceptably similar in appearance to those of site built residences;
- (4) Has covered front and rear entries and site built steps and porches;
- (5) Has sloping roofs with eave projections of at least six inches and pitch of at least one foot of rise for each four feet of horizontal run.

*Manufacturing, Heavy.* The manufacturing, processing, packaging or treatment of raw materials or goods including, but not limited to, food and animal products, chemicals or minerals and may include the outdoor storage of materials, equipment and vehicles used in the manufacturing operation.

*Manufacturing, Light.* The manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, testing, packaging and storage for sale and distribution of such products, but excluding the processing of raw materials and goods, provided that all activities and storage of equipment and materials take place completely inside the main building.

*Martial Arts School.* A business teaching skills in the martial arts such as judo, karate or tae-kwon-do.

*Massage Therapy Clinic.* An occupation or practice involving massage for therapeutic purposes and having the same meaning given to that phrase as set forth in Texas Occupations Code as amended and excluding any activities in violation of Article 4.03, Sexually Oriented Businesses, of the Bulverde Code of Ordinances as amended.

*Masonry.* Building materials consisting of native limestone, cut stone, cast stone; brick, brick veneer; decorative concrete masonry unit, decorative poured-in-place concrete, or tilt wall concrete provided that tilt wall concrete materials include reveals, punch-outs, or other similar surface treatments and characteristics to enhance the exterior appearance on at least ten percent of each façade. Masonry shall specifically exclude stucco, plaster, exterior insulation and finishing system (EIFIS), cellulose fiber-reinforced cement building board (e.g. Hardi-Board) and equivalent products.

*Medical/Dental Lab.* A laboratory or small production facility for the purpose of performing tests on clinical specimens from a patient to assist with the diagnosis, treatment or prevention of disease (medical lab) or for fabricating or customizing a variety of products used to promote dental health.

*Microbrewery/Craft Brewery.* A brewery, typically independently owned, that produces small amounts of beer, often sold mostly in the local area, generally characterized by an emphasis on quality, flavor and brewing technique.

*Mini-warehouse.* See *Self-storage Facility*.

*Minor Emergency/Urgent Care Facility.* A walk-in clinic or facility focused on the delivery of immediate ambulatory/outpatient care, such as the treatment of injury or illness, in a medical facility outside of a traditional emergency room.

*Mobile/Manufactured Home Sales.* A facility for the sale of new mobile or manufactured homes, including the storage and display of such units.

*Modular Home.* Any home factory-built to a local state code and constructed either “on-frame” on a permanent chassis or “off-frame” built with removal of the chassis frame in mind.

*Motel.* A building or group of buildings typically constructed with open walkway and exterior entrances and offering basic overnight or temporary lodging accommodations or guest rooms on a daily rate to the general public and providing minimal additional amenities.

*Motor Vehicle.* Any vehicle propelled by mechanical power, such as a car, van, pickup or truck, recreational vehicle, motorcycle or boat. For purposes of this ordinance, the definition shall include campers and recreational trailers that are not self-propelled but shall exclude construction equipment, forklifts and farm vehicles or implements.

*Motor Vehicle Body Shop.* A business engaged in the repair or straightening of a motor vehicle body or frame, the painting of motor vehicles or the upholstery of motor vehicle interiors.

*Motor Vehicle Parts/Accessory Sales.* The retail sale of small parts and accessories for the repair and enhancement of motor vehicles, but excluding the sale or installation of tires and batteries, the sale of major engine or body components and excluding any motor vehicle repairs on the premises.

*Motor Vehicle Rental.* A business where the primary use is the short-term rental of automobiles, motorcycles, light duty trucks and vans, and general purpose trailers including the incidental parking and servicing of such vehicles.

*Motor Vehicle Repair Shop, Major.* A business in which major repair and service functions are performed on motor vehicles as defined herein, to include repair and reconditioning of engines, air conditioning systems and

transmissions; replacement of brake parts, starters, hoses, alternators; emergency road service, but excluding the storage or impoundment of vehicles awaiting repair and the activities of a motor vehicle body shop.

*Motor Vehicle Repair Shop, Minor.* A business in which minor repair and service functions are performed on motor vehicles as defined herein, to include tire and battery sales and installation; oil, filter, and lubricant changes; engine tune-ups; motor vehicle parts and accessory sales as defined herein; window tinting and pin-striping; installation of stereo systems or alarm systems; and the performing of state inspections.

*Motor Vehicle Sales/Leasing Center, New or Used.* An establishment for the sale and/or leasing of new or used motor vehicles including, as accessory uses on the same lot or tract, the repair, servicing of motor vehicles and storage of inventory for sale.

*Motor Vehicle Storage Lot.* A parking lot used solely for the storage of motor vehicles in transit to a motor vehicle sales and service center or motor vehicle repair shop and where no sales transactions occur.

*Movie Theater.* A building or portion of a building devoted primarily to the showing of movies or motion pictures and including the sale of concessions to theater patrons and excluding any activity in violation of Article 4.03, Sexually Oriented Businesses in the Bulverde Code of Ordinances as amended.

*Multi-family Building.* See *Apartment Home*.

*Multi-tenant Building.* A building occupied by more than one separate tenant or business establishment.

*Musical Instrument Sales/Repair.* An establishment engaged in the sale and repair of new and used musical instruments to the general public and the incidental sales of sheet music and recorded music.

*Neighborhood Entry Feature.* A monument, wall or other permanent improvement of high-quality masonry materials with metal letters or placards constructed in conformance with a plan approved by the city manager or designee to highlight the entrance to a neighborhood or to display the neighborhood or subdivision name.

*Neighborhood Recreation/Amenity Center.* A private recreation facility for the exclusive use of residents or neighborhood groups of a particular

residential development and their guests, including but not limited to open space, a swimming pool, cabana, playground or picnic area, clubhouse or similar facilities.

*Nonconforming Building or Structure.* Any building or structure occupied at the time of the effective date of this ordinance or amendments thereto which does not fully conform to the development standards and regulations set forth in this ordinance, but which is legally nonconforming as a result of the circumstances described in Section 14.14., Nonconforming Uses and Structures herein.

*Nonconforming Site Element.* A site element or improvement other than a use, building, or structure, such as landscaping, site lighting or parking lot improvement occupied at the time of the effective date of this ordinance or amendments thereto that does not fully conform to the development standards and regulations set forth in this ordinance and the Code of Ordinances, but which is legally nonconforming as a result of the circumstances described in Section 14.14., Nonconforming Uses and Structures herein.

*Nonconforming Use.* A use of land, building, or other structure or combination thereof occupied at the time of the effective date of this ordinance or amendments thereto but which does not conform to the current use regulations of the zoning district in which it is situated as a result of the circumstances described in Section 14.14., Nonconforming Uses and Structures herein.

*Non-masonry Construction.* Materials other than masonry as defined herein, such as stucco, plaster, cellulose fiber-reinforced cement building board (e.g. Hardi-Board products), pre-finished metal siding and other approved metal materials and equivalent products that meet the requirements for exterior walls as defined by the Bulverde Building Code. Damage-resistant exterior insulation and finishing system (EIFS) may be used as a non-masonry material above a height of eight feet. Hardboard siding shall be prohibited as a non-masonry material.

*Non-profit/Charitable/Community Service Organization.* An organization providing charitable programs, services, and activities for the betterment of the community.

*Nursing Home/Skilled Nursing Center.* A residential institution licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need ongoing health supervision including homes for the aged, and convalescent and rest homes but excluding hospitals.

*Office.* See *Business/Professional/Administrative/Medical/Dental Office*.

*Office Furniture/Furnishings/Supply/Equipment Sales.* A retail establishment engaged in the sale of office equipment and supplies, including, but not limited to, furniture, computers and business machines, stationery products and related items.

*Optical Goods Store.* A business engaged in the sale to of glasses, contact lenses and other eye care goods to consumers.

*Outside Storage.* The placement of goods, materials, merchandise or vehicles in an unenclosed area in a non-residential zoning district for a continuous period in excess of 24 hours. Said storage shall be accessory to the principal use on the property except as allowed herein.

*Outbuilding.* See *Accessory Building or Structure*.

*Paint/Wallpaper Store.* A business engaged in the sale of paint, wallpaper and other wall and window coverings and related supplies.

*Parking Lot, Accessory.* An approved parking surface, building or structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. An accessory parking lot supports the principal activity on the tract, lot or parcel of land.

*Parking Lot or Garage, Commercial Off-street.* An approved parking surface, building or structure, other than an accessory parking lot as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking for a fee, charge or permit.

*Parking Lot, Off-site.* The provision of parking spaces on a property that is separate from the building that the parking spaces support.

*Parking Space.* A motor vehicle parking area to accommodate one vehicle, together with its access drives and/or maneuvering space, constructed of an approved parking surface, configured and sized in accordance with the

parking lot standards and other ordinances or regulations adopted by the City of Bulverde.

*Patio.* A paved outside area, usually uncovered and attached to a dwelling, adapted for recreational purposes and social gatherings.

*Patio Home Residence.* A single-family detached dwelling on a separate lot with open space on only three sides, and with one side wall of the dwelling placed coincident with the side property line, sometimes referred to as a Zero-Lot-Line Home or Garden Home.

*Pawn Shop.* A retail establishment engaged in the lending of money on the security of personal property pledged in the keeping of the pawnshop owner (pawnbroker) or the purchase of goods on the condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period, and the retail sale of such goods and personal property as used merchandise subject to the ordinances of the City of Bulverde.

*Payday Advance/Loan Business.* Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes payday cash advances, payroll cash advances, short-term cash loans, instant loans, or other short-term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

*Person.* A natural person, unincorporated association, corporation or other business entity, including any agent, partner, representative, employee, designee, heir, successor or assign thereof.

*Pet/Pet Supply Sales/Grooming, Household Pets.* A retail establishment offering small animals, fish and birds for sale as pets and including grooming services and the sale of associated pet supplies.

*Pet Boarding.* The provision of temporary shelter and care for household pets while the animals' caretakers are away and providing either inside or outside kennels as permitted herein.



*Photography Studio.* A business used as a place of work for a photographer.

*Picture Framing Shop.* A shop that provides retail framing and similar services for artwork.

*Planned Development.* A zoning classification intended to provide design flexibility for the combination and mixing of uses and the creation of unique standards in a project that is planned and constructed under a single cohesive plan. Also the development or project that results from the use of the Planned Development zoning technique.

*Plat (including a replat and/or amending plat).* A legal document that describes a lot by metes and bounds and dedicates rights-of-way and easements necessary for a development.

*Plumbing Parts and Equipment Sales/Repair.* A retail business that offers parts and equipment for the repair of plumbing and plumbing fixtures and does not include the outside storage of any materials but may include the on-site storage of service vehicles.

*Porch.* A covered entrance to a building.

*Portable Building Sales.* A business selling pre-manufactured buildings, usually constructed of metal or other weather-resistant material and designed to be moved intact from one location to another.

*Principal Building.* See *Main Building*.

*Principal Use.* The primary or predominant use of any lot or building.

*Print Shop, Major.* An establishment specializing in long-run operations such as book publishing, die cutting, printing of catalogue sheets or newspapers, engraving, four-color printing, lithography and other similar processes using a variety of printing presses.

*Print Shop, Minor.* An establishment specializing in short-run operations such as the copying of newsletters, flyers and resumes, using photocopying machines, as well as blueprinting, facsimile sending and receiving. Placement of orders for major printing jobs or long-run operations conducted off-premises is permitted.

*Protected Tree.* A tree as described in Article IV, Section 4.01(d), Tree Preservation, of the Bulverde Subdivision Ordinance as amended.

*Psychic Reader/Fortune-teller.* An establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing or palmistry.

*Public Building/Facility.* A building, structure or other improvement for use by a city, school district, county, state, or federal government agency.

*Public Park.* An open space or recreational area reserved for the enjoyment and relaxation of the public, possibly including one or more structures or facilities such as a swimming pool, gazebo, restroom, picnic shelter, playground, ballfield, parking lot or other similar improvements.

*Public Utility/Utility District Facility.* Any facility, other than an administrative office, of any agency which and necessity provides the public with any general public service, such as gas, electricity, water, sewerage, telephone telegraph, cable television, or any other similar service under public franchise or ownership or certificate of convenience.

*Quarry.* An excavation or pit, usually open to the air, from which stone, slate, sand or similar materials are extracted by cutting, blasting or other similar method.

*Radio/Television/Microwave/Cell Tower.* A tower or other structure supporting an antenna designed to send or receive broadcast or communication signals or data.

*Radio/Television Studio.* A facility for the production of radio or television programs, excluding transmission or broadcasting towers, antennae, or facilities.

*Rain Garden.* A small garden designed to withstand extremes of moisture by taking advantage of rainfall and stormwater runoff and using appropriate plant materials to help filter concentrations of chemicals and nutrients from stormwater runoff and including aesthetic treatments, if appropriate.

*Real Estate Sales Office, Temporary.* A sales office, typically located in a model home, model apartment unit, or commercial lease space which serves as a short-term office for the sale or rental of dwelling units or commercial space and requiring a Certificate of Occupancy for this purpose.

*Rear Yard.* See "Setback, Rear".

*Reconstruction.* The removal or replacement of fifty (50) percent or more of the exterior walls of a structure.

*Rehabilitation Center.* A facility wherein physical, occupational, vocational or other similar therapy is provided to patients by licensed health care professionals.

*Resort.* A place that operates as a destination for vacations and recreation and provides facilities and accommodations to attract and support such leisure activities.

*Restaurant.* Any establishment, however designated, in which the principal business is the sale of food for consumption on the premises, including the sale of alcoholic beverages incidental to a meal, but excluding bars or nightclubs.

*Restaurant, Dine-In.* An establishment engaged primarily in the preparation and sale of food and beverages to the public for on-site consumption, including outdoor dining areas and allowing take-out service as an incidental use. Restaurants with Drive-through or Drive-in Service are expressly excluded from this definition.

*Restaurant with Drive-through or Drive-in Service.* An establishment where food and/or beverage is delivered to a consumer who is outside the building, said delivery to be accomplished by handing or passing the food and/or beverage through a window, or other opening in the building or to a consumer who receives the food and/or beverage in a motor vehicle or otherwise outside the building from a waiter, waitress or carhop who is also outside the building, with the intent of said food being consumed on or off the premises.

*Retail Center.* One or more retail and other commercial businesses and buildings providing a variety of goods and services, typically planned, developed, owned, and managed as a single property and providing on-site parking for tenants and their patrons.

*Retail Center, Convenience.* A convenience-oriented retail center as defined herein with a total building area of up to 20,000 square feet providing a narrow mix of goods and services to a limited trade area of approximately one mile.

*Retail Center, Neighborhood/Community.* A retail center as defined herein made up of several stores offering general merchandise and convenience-

oriented goods and services, often anchored by a supermarket, drug store, small discount store or specialty store such as one selling electronics, clothing, sporting goods, etc., with a total building area greater than 20,000 square feet but no more than 250,000 square feet, and typically serving a moderate trade area of approximately one to five miles.

*Retail Center, Regional.* A retail center as defined herein often including two or more anchor or junior anchor stores, such as department stores, large discount stores, wholesale clubs, home furniture and furnishings sellers, a home improvement center or other mass merchant with a total building area for all structures of more than 250,000 square feet and typically serving a trade area of more than five miles.

*Retail Shop or Store.* A business selling goods, services or merchandise at retail in small quantities for personal or household consumption. Such an establishment does not include any manufacturing, wholesaling, or processing of goods (other than repair services or incidental packaging), and does not involve any exterior storage of goods, materials or supplies. Excluded from this definition are gasoline service stations and motor vehicle dealers.

*Riding Academy/Stables, Commercial.* A commercial establishment located on at least five contiguous acres of land engaged in the housing and boarding of horses, and offering instruction in riding, jumping, and showing of horses and providing horses for hire.

*Rifle/Pistol/Archery Range.* An indoor facility open to the public and designed for archery or firearms practice and including the incidental sales of supplies and accessories for the practice of these sports.

*Roof Architectural Appendage.* Ornamentation or decorative features extending above the roof of a building.

*Salvage Yard.* A business where wrecked or decommissioned vehicles or other equipment are brought for dismantling and storage so that their usable parts can be sold for use in operating vehicles or other equipment and the unusable metal parts are sold to metal-recycling companies; also known as auto wrecking yard, junkyard, scrap metal storage yard or wrecking material yard.

*School.* An institution for the education of children through the high school level and for adult continuing education, but excluding a trade or technical school.

*School District.* Shall mean the Comal Independent School District.

*School, Parochial.* A school under the sponsorship of a religious organization or agency providing an elementary or secondary curriculum, excluding a technical/occupational training school.

*School, Private.* A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools.

*School, Public.* A school under the sponsorship of a public agency providing elementary or secondary curriculum, excluding a technical/occupational training school.

*Scientific/Research/Development Laboratory.* A business engaged in research and new product development activities in the field of medicine or in high-technology intensive fields, including the on-site manufacture and assembly of scientific or high-technology prototypes, provided all activities and storage of equipment and materials take place within the main building.

*Seasonal Sales.* Outdoor sale of items commonly associated with a particular time of year, such as, but not limited to, flowers in February or pumpkins in October.

*Self-storage Facility.* A building or group of buildings containing separate individual self-storage units for rent or lease restricted solely to the temporary storage of items, but not including a residence for an on-premises caretaker. The conduct of sales, business or any activity other than storage within the individual storage units is not allowed.

*Setback.* The minimum required distance between a structure and the lot lines of the lot on which it is located which shall remain open and unoccupied by any building or structure except as allowed herein.

*Setback, Front.* The setback extending the full width of the lot between side lot lines and measuring the minimum required distance between the front lot line and the closest point allowed for any structure which shall remain open and unoccupied by any building or structure except as allowed herein.

**Setback, Rear.** The setback extending the full width of the lot between side lot lines and measuring the minimum required distance between the rear lot line and the closest point allowed for any structure, which shall remain open and unoccupied by any building or structure except as allowed herein.

**Setback, Side.** The setback extending from the required front setback line to the required rear setback line and measuring the minimum required distance between the side lot line and the closest point allowed for any structure, which shall remain open and unoccupied by any building or structure except as allowed herein.

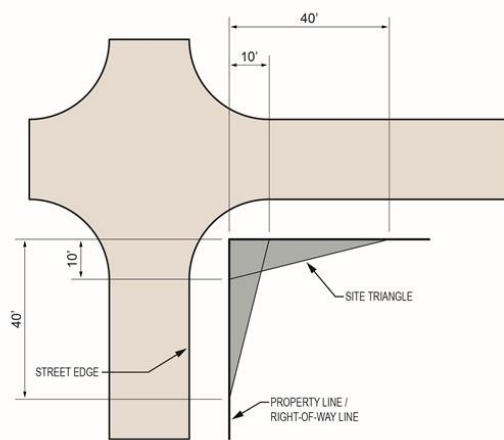
**Shoe Repair Shop.** A business specializing in repairing and remodeling shoes, boots, or other leather goods.

**Showroom.** A building or portion thereof for the display of products for sale such as motor vehicles, appliance, furniture, plumbing and electrical fixtures. Said products may be available on-site only in limited quantities.

**Side Yard.** See *Setback, Side*.

**Sidewalk Outdoor Sales.** Sales involving the temporary extension of the sales area into the walkway outside of the business.

**Sight Triangle.** The triangle created by connecting a point which is 10 feet along the right-of-way at the intersection and a point extending away from the intersection a distance of 40 feet. This line shall extend by projection to the back of curb on improved streets or the edge of pavement on unimproved streets along both streets impacted. The sight triangle herein referenced shall include all area between the above-defined line and the street pavement.



*Sign.* Any writing, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, designs, pictures, trade names, or trademarks or devices by which anything is made known, such as are used to designate an individual commodity or product, visible from any public street or right-of-way and designed to attract attention. The term “sign” shall not include the flag, pennant, or insignia of any nation, state or city.

*Sign Printing Shop.* A business engaged in the printing of yard signs, banners, vehicle wraps, etc. on vinyl, magnetic material, paper, paperboard or small metal blanks for retail sale, but excluding the manufacture or electrification of large signs or sign components.

*Sign Manufacturing.* The manufacturing and electrification of signs and sign components such as letters and numerals, logos and emblems constructed of durable, weather-resistant materials.

*Single-family Home.* A structure containing one dwelling unit, not attached to any other dwelling, entirely surrounded by open space on the same lot and designed exclusively for the use and occupancy of one family.

*Special Use Permit.* The granting of permission for a use not allowed by right in a zoning district and which requires review on a case-by-case basis to determine the appropriateness of the proposed use at a specific location. A request for a Special Use Permit is subject to the same requirements as for a zoning change request.

*Sporting Goods Store.* An establishment engaged in the retail sale of sporting goods and related merchandise to the general public.

*Story.* That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling. A story with more than one-half of its height below the level of the building grade shall be termed a basement, and it shall not be counted as a story unless the ceiling height exceeds four feet above grade or unless more than 40 percent of its floor area is for living purposes as part of the dwelling unit above. A cellar shall not be counted as a story for the purpose of height measurement. An attic space shall not be counted as a story for height measurement unless improved to a habitable status.

*Street.* A public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, avenue, lane, boulevard, road, place, drive or otherwise.

*Structural Alteration.* A change or rearrangement of structural parts of a building or structure, or an enlargement of a building or structure, whether by extending on a side or by increasing in height, or the moving of a building or structure from one location or position to another.

*Structure.* Anything constructed or erected which requires location or attachment to something on the ground, including but not limited to buildings, fences, walls, swimming pools, tennis courts, driveways and parking lots.

*Structure, Nonconforming.* See *Nonconforming Building or Structure*.

*Stucco* means an exterior plaster material composed primarily of cement and sand applied in a plastic state in three stages to form a hard covering for exterior walls and installed in strict conformance with the applicable requirements of the Bulverde Building Code. Stucco or exterior plaster is not considered masonry construction.

*Studio.* The working place of an artist, sculptor, musician, photographer or artisan, including a place for lessons in the fine arts but excluding amplified music and further including cheerleading studios, martial arts and ballroom dancing.

*Surgery Center.* A health care facility that specializes in providing same-day outpatient surgical, pain management, preventive care and certain diagnostic services typically more complex than those done in a doctor's office but not so complex as to require an overnight stay.

*Tailor Shop/Alterations.* An establishment engaged in custom making or altering of men's and women's clothing.

*Technical/Occupational Training School.* A facility that provides on-site training in business, commercial and/or trade skills, typical uses to include, but shall not be limited to accounting, data processing, court reporting, and computer repair and operation.

*Tenant.* Any person or entity occupying or having a leasehold interest in any land or building, or portion thereof.



*Theater/Stage/Live Performance Venue.* A building or portion thereof or an outside area in which plays, musical acts or other live performances are presented, but excluding any performance in violation of Article 4.03, Sexually Oriented Businesses, of the Bulverde Code of Ordinances as amended.

*Thrift Store/Second-hand Store.* A retail store that primarily sells second-hand or used merchandise, furniture, clothing and other goods to the general public, excluding an Antique Store as defined herein.

*Tobacco Shop.* A shop that sells pipes and pipe tobacco, cigars and cigarettes.

*Townhome.* A single-family dwelling unit designed for occupancy by one family in a row of at least three units attached on one or more sides, each on its own platted lot and having its own front and rear access to the outside. No unit shall be located over another unit, there shall be no visible separation between walls or roofs of adjoining units and each unit shall be separated from other units by one or more vertical common firewalls.

*Toy/Hobby Shop.* An establishment occupying up to 15,000 square feet in building area engaged in the retail sale of children's toys, merchandise used for hobbies, arts and crafts and may include incidental hobby or craft classes.

*Toy/Hobby Store.* An establishment occupying more than 15,000 square feet in building area engaged in the retail sale of children's toys, merchandise used for hobbies, arts and crafts and may include incidental hobby or craft classes.

*Tree Farm.* A privately owned forest cultivated and managed for the production of trees for sale to a landscape nursery.

*Trophy Store.* A business engaged in the creation or engraving of trophies and awards.

*TXDOT.* The Texas Department of Transportation.

*Upholstery Shop.* An establishment that provides furniture seats and frames with padding, springs, webbing and fabric or leather covers.

*Use.* The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used or for which it is occupied, maintained, rented or leased.

*Use, Nonconforming.* See *Nonconforming Use*.

*Visibility Easement.* See *Sight Triangle*.

*Warehouse.* A building or portion thereof used primarily for the storage and distribution of manufactured products, supplies, and equipment, but excluding the storage and distribution of goods and materials that are flammable, hazardous or explosive.

*Wholesale Establishment.* A business primarily engaged in the sale and/or distribution of merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers.

*Wind Energy System.* A small-scale energy system designed for the purpose of generating up to 1,600 watts of electrical power for residential use using the power of the wind and usually consisting of a tower, a motorized rotor and blades, a controller, storage batteries, an inverter, an electrical disconnect switch and grounding system designed and installed according to manufacturer's specifications.

*Wrecker Service.* A towing service for inoperable motor vehicles but excluding the on-site storage of vehicles waiting to be claimed by the owner or awaiting repair.

*Yard.* An open space on the same lot with a building located between the building wall and the property line, including but not limited to the required setback.

## **SECTION 14.3.**

### **ZONING DISTRICTS**

## SECTION 14.3. ZONING DISTRICT REGULATIONS

### 14.3.1. Districts

The City of Bulverde, Texas, is hereby divided into 11 zoning districts for purposes of regulating the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land. Each of the districts shall have associated with it a set of regulations which shall vary according to the zoning district and shall be applied as specified herein.

### 14.3.2. AG Agricultural District

1. **Intent.** The intent of the AG Agricultural District is to provide for the practice of traditional farming activities as defined herein, including the secondary activities accompanying the main use and single-family homes for the occupants of the premises.
2. **Permitted Uses.** In general, permitted uses include single-family homes, related accessory buildings and limited commercial, such as a tree farm or riding academy/stables and certain public uses, some requiring a Special Use Permit. See Section 14.4., Permitted and Prohibited Uses.

### 3. Lot Area Requirements

Requirement	Standard
<b>Lot Size</b>	Minimum 10 acres
<b>Lot Width</b>	Minimum 210 feet
<b>Aspect Ratio</b>	Maximum five to one depth to width ratio
<b>Front Setback</b>	Minimum 100 feet
<b>Side Setback</b>	
• Interior Lot	Minimum 40 feet
• Corner Lot	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Setback</b>	Minimum 50 feet

<b>Lot Coverage</b>	Maximum 10% including the main building and all accessory buildings
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#### 4. Building and Parking Requirements

<b>Requirement</b>	<b>Standard</b>
<b>Building Height</b>	35 feet, measured as described herein
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>Exterior Walls - Main Building</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 75% masonry construction for the exterior walls of all residential buildings and structures regardless of building height or number of stories; remainder may be constructed of non-masonry materials as defined herein</li> <li>No single elevation shall be less than 50% masonry construction, except walls or portions thereof on a porch, patio, courtyard or breezeway may be constructed of non-masonry materials</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Exterior Walls - Accessory Buildings</li> </ul>	<ul style="list-style-type: none"> <li>Buildings less than 400 square feet in size may be constructed of masonry, non-masonry materials or a combination</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for special requirements for accessory buildings of 400 square feet or more</li> <li>Exception: Barns as defined herein may be constructed of durable non-masonry materials in accordance with the Bulverde Building Code</li> </ul>
<b>Parking</b>	Two spaces per dwelling unit

#### 5. Uses other than Residential

- A.** Buildings other than dwelling uses and barns, including but not limited to, churches, schools and non-residential Special Use Permit activities, shall comply with the building height, construction material

and landscaping requirements of the C-1 Commercial district except as provided herein.

**B.** Greenhouses may be constructed of material approved by the City manager or designee provided the structure is used and maintained exclusively as a greenhouse. If the greenhouse is converted to another use, it must be made to comply with the requirements for accessory buildings.

- 6.** Television satellite dishes and liquid petroleum gas tanks shall be located to the rear of any residence and shall be situated so much as possible such that they are not visible from the street. Motor homes, mobile homes, recreational vehicles, trailers or boats shall be parked to the rear of the house or garage and inside the side and rear setback lines.

### **Section 14.3.3. R-1 Residential District**

- 1. Intent.** The intent of the R-1 District is to provide for the development of single-family homes on large lots.
- 2. Permitted Uses.** In general, permitted uses include single-family residential uses, related accessory buildings and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

### **3. Lot Area Requirements**

<b>Requirement</b>	<b>Standard</b>
<b>Lot Size</b>	Minimum five acres
<b>Lot Width</b>	Minimum 210 feet
<b>Aspect Ratio</b>	Maximum five to one depth to width ratio
<b>Front Setback</b>	Minimum 100 feet
<b>Side Setback</b>	
• Interior Lot	Minimum 40 feet
• Corner Lot	The street frontage upon which the property will be addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs

<b>Rear Setback</b>	Minimum 50 feet
<b>Lot Coverage</b>	Maximum 10% including the main building and all accessory buildings

#### 4. Building and Parking Requirements

<b>Requirement</b>	<b>Standard</b>
<b>Building Height</b>	35 feet, measured as described herein
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>Exterior Walls - Main Building</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 75% masonry construction for all exterior walls regardless of building height or number of stories</li> <li>Remainder of the wall area may be constructed of non-masonry materials as defined herein</li> <li>No single elevation shall be less than 50% masonry construction, except walls or portions thereof on a porch, patio, courtyard or breezeway may be constructed of non-masonry materials</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Exterior Walls - Accessory Buildings</li> </ul>	<ul style="list-style-type: none"> <li>Buildings less than 400 square feet in size may be constructed of masonry, non-masonry materials or a combination</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for special requirements for accessory buildings of 400 square feet or more</li> </ul>
<b>Parking</b>	Two spaces per dwelling unit

#### 5. Uses other than Residential

- A.** Buildings other than dwelling uses, including but not limited to, churches, schools and non-residential Special Use Permit activities, shall comply with the building height, construction material and landscaping requirements of the C-1 Commercial district except as provided herein.

**B.** Greenhouses may be constructed of material approved by the City manager or designee provided the structure is used and maintained exclusively as a greenhouse. If the greenhouse is converted to another use, it must be made to comply with the requirements for accessory buildings.

- 6.** Television satellite dishes and liquid petroleum gas tanks shall be located to the rear of any residence and shall be situated so much as possible such that they are not visible from the street. Motor homes, mobile homes, recreational vehicles, trailers or boats shall be parked to the rear of the house or garage and inside the side and rear setback lines.

#### **Section 14.3.4. R-2 Residential District**

- 1. Intent.** The intent of the R-2 District is to provide for the development of single-family homes on lots that are large by typical suburban standards but are not required to meet the minimum standards for the R-1 district.
- 2. Permitted Uses.** In general, single-family residential uses, related accessory buildings and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

#### **3. Lot Area Requirements**

<b>Requirement</b>	<b>Standard</b>
<b>Lot Size</b>	One to 4.99 acres
<b>Lot Width</b>	Minimum 110 feet
<b>Aspect Ratio</b>	Maximum four to one depth to width ratio
<b>Front Setback</b>	Minimum 50 feet
<b>Side Setback</b>	
• Interior Lot	Minimum 25 feet
• Corner Lot	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Setback</b>	Minimum 30 feet



<b>Lot Coverage</b>	Maximum 20% including the main building and all accessory buildings
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#### 4. Building and Parking Requirements

<b>Requirement</b>	<b>Standard</b>
<b>Building Height</b>	35 feet, measured as described herein
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>Exterior Walls - Main Building</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 75% masonry construction for all exterior walls regardless of building height or number of stories;</li> <li>Remaining wall area may be constructed of non-masonry materials as defined herein.</li> <li>No single elevation shall be less than 50% masonry construction, except walls or portions thereof on a porch, patio, courtyard or breezeway may be constructed of non-masonry materials</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Exterior Walls - Accessory Buildings</li> </ul>	<ul style="list-style-type: none"> <li>Buildings less than 400 square feet in size may be constructed of masonry, non-masonry materials or a combination</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for special requirements for accessory buildings of 400 square feet or more</li> </ul>
<b>Parking</b>	Two spaces per dwelling unit

#### 5. Uses other than Residential

- A.** Buildings other than dwelling uses, including but not limited to, churches, schools and non-residential Special Use Permit activities, shall comply with the building height and construction material requirements of the C-1 Commercial district except as provided herein.

**B.** Greenhouses may be constructed of material approved by the City manager or designee provided the structure is used and maintained exclusively as a greenhouse. If the greenhouse is converted to another use, it must be made to comply with the requirements for accessory buildings.

- 6.** Television satellite dishes and liquid petroleum gas tanks shall be located to the rear of any residence and shall be situated so much as possible such that they are not visible from the street. Motor homes, mobile homes, recreational vehicles, trailers or boats shall be parked to the rear of the house or garage and inside the side and rear setback lines.

### **Section 14.3.5. R-3 Residential District**

- 1. Intent.** The intent of the R-3 District is to provide for the development of single-family homes on lots that are less than one acre in size. Lots will be large by typical suburban standards but will not be required to meet the minimum standards for the R-1 or R-2 districts.
- 2. Permitted Uses.** In general, permitted uses include single-family residential uses, related accessory buildings and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

### **3. Lot Area Requirements**

<b>Requirement</b>	<b>Standard</b>
<b>Lot Size</b>	Minimum 21,675 square feet
<b>Lot Width</b>	Maximum 85 feet
<b>Aspect Ratio</b>	Maximum three to one width to depth ratio
<b>Front Setback</b>	Minimum 40 feet
<b>Side Setback</b>	
• Interior Lot	Minimum 15 feet
• Corner Lot	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Setback</b>	Minimum 30 feet

<b>Lot Coverage</b>	Maximum 25% including the main building and all accessory buildings
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#### 4. Building and Parking Requirements

<b>Requirement</b>	<b>Standard</b>
<b>Building Height</b>	Maximum total height of 35 feet, measured as described herein
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>Exterior Walls - Main Building</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 75% masonry construction for all exterior walls regardless of building height or number of stories; the remainder may be constructed of non-masonry materials as defined herein.</li> <li>No single elevation shall be less than 50% masonry construction, except walls or portions thereof on a porch, patio, courtyard or breezeway may be constructed of non-masonry materials</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Exterior Walls - Accessory Buildings</li> </ul>	<ul style="list-style-type: none"> <li>Buildings less than 400 square feet in size may be constructed of masonry or non-masonry materials or a combination</li> <li>See Section 14.9., Exterior Construction Standards for Single-family Residential Buildings, for special requirements for accessory buildings of 400 square feet or more</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>Two spaces per dwelling unit</li> <li>No garage shall be constructed to accommodate more than five motor vehicles</li> </ul>

#### 5. Uses other than Residential

- A.** Buildings other than dwelling uses, including but not limited to, churches, schools and non-residential Special Use Permit activities, shall comply with the building height, construction material and landscaping requirements of the C-1 Commercial district except as provided herein.
  - B.** Greenhouses may be constructed of material approved by the City manager or designee provided the structure is used and maintained exclusively as a greenhouse. If the greenhouse is converted to another use, it must be made to comply with the requirements for accessory buildings.
- 6.** Television satellite dishes and liquid petroleum gas tanks shall be located to the rear of any residence and shall be situated so much as possible such that they are not visible from the street. Motor homes, mobile homes, recreational vehicles, trailers or boats shall be parked to the rear of the house or garage and inside the side and rear setback lines.

### **Section 14.3.6. R-4 Residential District**

- 1. Intent.** The intent of the R-4 District is to provide for the development of single-family homes on lots that are less than one acre in size. Lots will be large by typical suburban standards but will not be required to meet the minimum standards for the R-1 or R-2 districts or the masonry requirements for the R-3 district. Masonry construction is not required.
- 2. Permitted Uses.** In general, permitted uses include single-family residential uses, related accessory structures and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

### **3. Lot Area Requirements**

<b>Requirement</b>	<b>Standard</b>
<b>Lot Size</b>	Minimum 20,000 square feet
<b>Lot Width</b>	Minimum 82 feet
<b>Aspect Ratio</b>	Maximum three to one width to depth ratio
<b>Front Setback</b>	Minimum 40 feet
<b>Side Setback</b>	
• Interior Lot	Minimum 15 feet

<ul style="list-style-type: none"> <li>Corner Lot</li> </ul>	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Setback</b>	Minimum 20 feet
<b>Lot Coverage</b>	Maximum 25% including the main structure and all accessory structures

#### 4. Building and Parking Requirements

Requirement	Standard
<b>Building Height</b>	Maximum total height of 35 feet, measured as described herein
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>Exterior Walls - Main Structure</li> </ul>	Buildings may be constructed of masonry materials, non-masonry materials or a combination
<ul style="list-style-type: none"> <li>Exterior Walls - Accessory Structures</li> </ul>	Buildings may be constructed of masonry, non-masonry materials or a combination
<b>Parking</b>	<ul style="list-style-type: none"> <li>Two spaces per dwelling unit</li> <li>No garage shall be constructed to accommodate more than five motor vehicles</li> </ul>

#### 5. Uses other than Residential

- A.** Buildings other than dwelling uses, including but not limited to, churches, schools and non-residential Special Use Permit activities, shall comply with the building height, construction materials and landscaping requirements of the C-1 Commercial district except as provided herein.
- B.** Greenhouses may be constructed of material approved by the City manager or designee provided the structure is used and maintained exclusively as a greenhouse. If the greenhouse is converted to another use, it must be made to comply with the requirements for accessory buildings.

6. Television satellite dishes and liquid petroleum gas tanks shall be located to the rear of any residence and shall be situated so much as possible such that they are not visible from the street. Motor homes, mobile homes, recreational vehicles, trailers or boats shall be parked to the rear of the house or garage and inside the side and rear setback lines.

### **Section 14.3.7. R-5 Multi-family Residential District**

1. **Intent.** The intent of the R-5 District is to provide quality standards for residential development that accommodates multiple families on a single lot at densities greater than those permitted in the single-family zoning districts. These homes may be developed for lease (apartments) or for individual sale (condominiums) uses are intended to be limited to certain parts of the community so that the predominant residential use in Bulverde continues to be single-family homes.
2. **Permitted Uses.** In general, permitted uses include low-intensity apartment and condominium uses developed in single-use or mixed use settings and certain public uses. See Section 14.4., Permitted and Prohibited Uses.

### **3. Lot Area Requirements**

<b>Requirement</b>	<b>Standard</b>
<b>Lot Size</b>	30,000 square feet
<b>Lot Width</b>	Minimum 200 feet
<b>Aspect Ratio</b>	Minimum one to one depth to width ratio
<b>Front Yard</b>	35 feet
<b>Side Yard</b>	
• Interior Lot	40 feet
• Corner Lot	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Yard</b>	<ul style="list-style-type: none"> <li>• 40 feet adjacent to a non-residential zoning district</li> <li>• 60 feet adjacent to a single-family residential zoning district</li> </ul>

<b>Building Separation</b>	Minimum required by the Building Code, Chapter 3 of the Code of Ordinances as amended
<b>Density</b>	Maximum 25 units per acre
<b>Lot Coverage</b>	<ul style="list-style-type: none"> <li>• Maximum 30% of the lot may be occupied by buildings for developments with surface parking</li> <li>• Maximum 70% of the lot may be occupied by buildings for developments with structured parking</li> </ul>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>• Landscape Area</li> </ul>	<ul style="list-style-type: none"> <li>• 10-foot landscape buffer strip planted with trees, shrubs, and groundcover adjacent to any street or any residential zoning district</li> <li>• One landscape island for every 10 parking spaces within the parking area</li> <li>• Exceptions: For property in the Downtown Bulverde Village Overlay district, reference Section 14.5., Special Districts, for special standards; additional setback and landscape requirements apply to properties within the Scenic Gateway Overlay District; see Section 14.5., Special Districts</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape Materials</li> </ul>	<ul style="list-style-type: none"> <li>• Plant material to be chosen from the City of Bulverde List of Recommended Plant Materials</li> <li>• All areas not covered with buildings or paving must be landscaped with a combination of trees, shrubs, and groundcover and may include hardscape elements if approved by the City manager or designee</li> </ul>

#### 4. Building and Parking Requirements

Requirement	Standard
<b>Building Height</b>	
<ul style="list-style-type: none"> <li>• Main Building</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 35 feet and up to three stories</li> </ul>

	<ul style="list-style-type: none"> <li>• Exceptions: roof equipment and certain architectural features; see Development Standards, Section 14.10., Architectural Standards for Commercial, Multi-family and Industrial Buildings</li> </ul>
<ul style="list-style-type: none"> <li>• Accessory Buildings</li> </ul>	Maximum 25 feet for accessory buildings including a clubhouse, laundry room or other similar accessory buildings
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>• Walls</li> </ul>	
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>- Main Building Walls</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 60% of the total wall area excluding glass and doorways shall be constructed of masonry materials</li> <li>• Remainder of the building wall area may be constructed of masonry materials or non-masonry materials as defined herein or a combination of both</li> <li>• See Section 14.11., Supplemental Regulations for Multi-family Development, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>- Accents and Trim</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Metal, wood, exterior tile or other materials approved by the City manager or designee</li> <li>• Damage-resistant exterior insulation finishing systems (EIFS) may be installed above a height of 8 feet</li> </ul>
<ul style="list-style-type: none"> <li>• Roofs, Exterior Doors, Balconies and Stairways</li> </ul>	See Section 14.11., Supplemental Regulations for Multi-family Development
<b>Building Design</b>	Building color, articulation, mass and form, scale, and orientation must meet the requirements of Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings, except as specified herein
<b>Parking</b>	
<ul style="list-style-type: none"> <li>• Required Parking</li> </ul>	<ul style="list-style-type: none"> <li>• Two spaces per unit</li> <li>• Minimum .5 spaces per unit shall be provided in an attached or detached</li> </ul>



	<p>garage or in a carport; see Section 14.11., Supplemental Regulations for Multi-family Development, for additional requirements</p> <ul style="list-style-type: none"> <li>• See Section 14.11., Supplemental Regulations for Multi-family Development, for standards regulating the parking of boats, trailers, recreational vehicles and similar vehicles</li> </ul>
<ul style="list-style-type: none"> <li>• Location and Orientation</li> </ul>	<ul style="list-style-type: none"> <li>• Parking may be located below grade, in an above-grade parking structure, or in a well-designed surface lot</li> <li>• Maximum one single-loaded row of parking between the front building wall and any street right-of-way line</li> <li>• Remainder of the parking to be provided behind the front building line in the side and rear setback or internal to the development</li> </ul>

**5. Recreational Amenities.** Each apartment development shall provide recreational amenity features for the benefit and enjoyment of its residents including children, adolescents and adults, in accordance with Section 14.11. Supplemental Regulations for Multi-Family Development. A minimum of 70 amenity points must be achieved for a complex of 250 units or less. An additional 70 amenity points must be achieved for each additional 250 units or portion thereof.

## **6. Uses other than Residential**

Buildings other than dwelling uses, including but not limited to, churches, schools and non-residential Special Use Permit activities, shall comply with the building height, construction materials and landscaping requirements of the C-1 Commercial district except as provided herein.

### **Section 14.3.8. C-1 Commercial District**

**1. Intent.** The general intent of the C-1 Commercial District is to provide for neighborhood-oriented retail and service uses to satisfy the daily needs of the community. These activities typically generate low levels of vehicular traffic and all operations are conducted inside a building with no

outdoor storage. The C-1 District acts as a buffer between residential areas and more intensive C-2 and C-3 Commercial districts.

- 2. Permitted Uses.** In general, low-intensity retail and service uses, general/administrative/medical offices, banks/financial institutions, and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

### 3. Lot Area Requirements

Requirement	Standard
<b>Lot Size</b>	Minimum 30,000 square feet
<b>Lot Width</b>	Minimum 100 feet
<b>Aspect Ratio</b>	Maximum four to one depth to width ratio
<b>Front Setback</b>	Minimum 40 feet
<b>Side Setback</b>	
<ul style="list-style-type: none"> <li>Interior Lot</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 20 feet</li> <li>Minimum 40 feet adjacent to residential zoning, including multi-family</li> <li>See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Corner Lot</li> </ul>	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Setback</b>	<ul style="list-style-type: none"> <li>Minimum 25 feet</li> <li>Minimum 60 feet adjacent to residential zoning, including multi-family</li> <li>See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>Landscape area</li> </ul>	<ul style="list-style-type: none"> <li>10-foot landscape buffer strip planted with trees, shrubs, and groundcover adjacent to any street or any residential zoning district</li> <li>One landscape island for each 10 parking spaces within the parking area; see</li> </ul>

	<p>Section 14.8.11., Additional Requirements for All Landscape Areas, for additional requirements</p> <ul style="list-style-type: none"> <li>• Exceptions: For property in the Downtown Bulverde Village Overlay District, see Section 14.5., Special Districts, for special standards. For properties within the Scenic Gateway Overlay Districts along Highway 281 and Highway 46, see Section 14.5., Special Districts</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape Material</li> </ul>	<ul style="list-style-type: none"> <li>• Plant material to be chosen from the City of Bulverde list of Recommended Plant Materials</li> <li>• All areas not covered with buildings or paving must be landscaped with a combination of trees, shrubs, and groundcover and may include hardscape elements if approved by the City manager or designee</li> </ul>

#### 4. Building and Parking Requirements

Requirement	Standard
<b>Building Height</b>	<ul style="list-style-type: none"> <li>• Maximum 35 feet for all buildings</li> <li>• Exceptions: Roof equipment and certain architectural features; see Section 14.10. Architectural Standards for Commercial, Industrial and Multi-family Buildings</li> </ul>
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>• Walls</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 70% of the total building wall area excluding glass and doorways shall be constructed of masonry materials</li> <li>• Minimum 60% masonry construction required for each building facade</li> <li>• Remainder of the building wall area may be constructed of non-masonry materials</li> </ul>
<ul style="list-style-type: none"> <li>• Roof</li> </ul>	Metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles of at least 300 pounds per square

• Other	See Section 14.11., Supplemental Regulations for Multi-family Buildings, for additional requirements for doors, balconies and stairways
<b>Architectural Features</b>	See Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings
<b>Parking</b>	Varies by use; see Section 14.6., Off-street Parking and Loading

### Section 14.3.9. C-2 Commercial District

- 1. Intent.** The general intent of the C-2 Commercial District is to provide for a somewhat more expansive list of retail and service uses than the C-1 District allows. These activities are meant to satisfy the daily needs of a broader geographical area than the C-1 District and typically generate relatively low levels of vehicular traffic. Operations are conducted inside a building and no outdoor storage is not allowed unless specified herein.
- 2. Permitted Uses.** In general, low- to medium-intensity retail and service uses, general/administrative/medical offices, banks/financial institutions, and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

### 3. Lot Area Requirements

Requirement	Standard
<b>Lot Size</b>	Minimum 30,000 square feet
<b>Lot Width</b>	Minimum 100 feet
<b>Aspect Ratio</b>	Maximum four to one depth to width ratio
<b>Front Setback</b>	Minimum 40 feet
<b>Side Setback</b>	
• Interior Lot	<ul style="list-style-type: none"> <li>• Minimum 20 feet</li> <li>• Minimum 40 feet adjacent to residential zoning, including multi-family</li> <li>• See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
• Corner Lot	The street frontage upon which the property is addressed shall require the front setback;

	the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Setback</b>	<ul style="list-style-type: none"> <li>• Minimum 25 feet</li> <li>• Minimum 60 feet adjacent to residential zoning, including multi-family</li> <li>• See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>• Landscape area</li> </ul>	<ul style="list-style-type: none"> <li>• 10-foot landscape buffer strip planted with trees, shrubs, and groundcover adjacent to any street or any residential zoning district</li> <li>• One landscape island for every 10 parking spaces within the parking area; see Section 14.8.11., Additional Requirements for All Landscape Areas, for additional requirements</li> <li>• Exceptions: For property in the Downtown Bulverde Village Overlay district, reference Section 14.5., Special Districts, for special standards; additional setback and landscape requirements apply to properties within the Scenic Gateway Overlay District; see Section 14.5., Special Districts</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape Materials</li> </ul>	<ul style="list-style-type: none"> <li>• Plant material must be chosen from the City of Bulverde list of Recommended Plant Materials</li> <li>• All areas not covered with buildings or paving must be landscaped with a combination of trees, shrubs, and groundcover and may include hardscape elements if approved by the city manager or designee</li> </ul>

#### 4. Building and Parking Requirements

<b>Requirement</b>	<b>Standard</b>
<b>Building Height</b>	
<ul style="list-style-type: none"> <li>• Main Building</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 35 feet for any building</li> <li>• Exceptions for roof equipment and certain architectural features; see Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings</li> </ul>
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>• Walls</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 70% of the total wall area excluding glass and doorways shall be constructed of masonry materials;</li> <li>• Minimum 60% masonry construction required for each facade</li> <li>• Remainder of the building wall area may be constructed of non-masonry materials</li> </ul>
<ul style="list-style-type: none"> <li>• Roof</li> </ul>	Metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles of at least 300 pounds per square
<b>Architectural Features</b>	See Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings
<b>Parking</b>	Varies by use; see Section 14.6., Off-street Parking and Loading.

### **Section 14.3.10. C-3 Commercial District**

- 1. Intent.** The general intent of the C-3 District is to provide for heavy commercial/light industrial uses such as regional retail centers, motor vehicle sales and cabinet shops in limited areas of the city. Activities should be conducted inside a building for the most part, but by their nature may include some outdoor storage provided the requirements of Section 14.14. are met. Traffic to the site may be heavier both in volume and in the type of vehicle than for the C-1 and C-2 districts. Adjacent properties should be designed to share internal circulation and limit the number of approaches to arterial streets.
- 2. Permitted Uses.** In general, low- and medium-intensity retail and service uses, as well as heavy commercial and motor vehicle-related uses, general/administrative/medical offices, banks/financial institutions,

and certain public and institutional uses. See Section 14.4., Permitted and Prohibited Uses.

### 3. Lot Area Requirements

<b>Requirement</b>	<b>Standard</b>
Lot Size	Minimum 30,000 square feet
Lot Width	Minimum 100 feet
Aspect Ratio	Maximum four to one depth to width ratio
Front Yard	Minimum 40 feet
Side Yard	
<ul style="list-style-type: none"> <li>Interior Lot</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 20 feet</li> <li>Minimum 40 feet adjacent to residential zoning, including multi-family</li> <li>See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Corner Lot</li> </ul>	The street frontage upon which the property is addressed shall require the front setback; the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Yard</b>	<ul style="list-style-type: none"> <li>Minimum 25 feet</li> <li>Minimum 60 feet adjacent to residential zoning, including multi-family</li> <li>See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>Landscape area</li> </ul>	<ul style="list-style-type: none"> <li>10-foot landscape buffer strip planted with trees, shrubs, and groundcover adjacent to any street or any residential zoning district</li> <li>One landscape island for every 10 parking spaces within the parking area; see Section 14.8.11., Additional Requirements for All Landscape Areas, for additional requirements</li> <li>Exceptions: For property in the Downtown Bulverde Village Overlay district, reference</li> </ul>

	Section 14.5., Special Districts, for special standards; additional setback and landscape requirements apply to properties within the Scenic Gateway Overlay District; see Section 14.5., Special Districts
<ul style="list-style-type: none"> <li>• Landscape Material</li> </ul>	<ul style="list-style-type: none"> <li>• Plant material to be chosen from the City of Bulverde list of Recommended Plant Materials</li> <li>• All areas not covered with buildings or paving must be landscaped with a combination of trees, shrubs, and groundcover and may include hardscape elements if approved by the city manager or designee</li> </ul>

#### 4. Building and Parking Requirements

Requirement	Standard
<b>Building Height</b>	
<ul style="list-style-type: none"> <li>• Main Building</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 35 feet for any building</li> <li>• Exceptions roof equipment and certain architectural features; see Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings</li> </ul>
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>• Walls</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 70% of the total wall area excluding area for glass and doorways, shall be constructed of masonry materials</li> <li>• Minimum 60% masonry construction required for each facade</li> <li>• Remainder of the building wall area may be constructed of non-masonry materials</li> </ul>
<ul style="list-style-type: none"> <li>• Roof</li> </ul>	Metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles of at least 300 pounds per square
<b>Architectural Features</b>	See Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings
<b>Parking</b>	Varies by use; see Section 14.6., Off-street Parking and Loading.



### Section 14.3.11. I-1 Industrial District

- 1. Intent.** The general intent of the I-1 Industrial District is to provide for light industrial uses in limited areas of the city based upon adjacent land uses, access to transportation and the availability of public services and facilities. This district should be located where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. These districts may involve large vehicles for shipping and receiving activities and should be located with convenient access to highways and existing and future arterial thoroughfares. Ideally, these uses/districts will be separated from residential areas by major roadways and commercial areas or by natural or man-made barriers. By their nature, these activities may include some outdoor storage of materials and vehicles; however, all activities will be conducted in a manner that minimizes the negative impacts on adjacent property and the environment.
- 2. Permitted Uses.** In general, manufacturing, warehousing, distribution, and wholesale activities or combinations of the above as well as office uses and some compatible heavy commercial and uses. General/administrative/medical offices, banks/financial institutions, and certain public uses are also permitted. See Section 14.4., Permitted and Prohibited Uses.

### 3. Lot Area Requirements

Requirement	Standard
<b>Lot Size</b>	Minimum 30,000 square feet
<b>Lot Width</b>	Minimum 100 feet
<b>Aspect Ratio</b>	Maximum four to one depth to width ratio
<b>Front Yard</b>	Minimum 40 feet
<b>Side Yard</b>	
<ul style="list-style-type: none"> <li>Interior Lot</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 20 feet</li> <li>Minimum 40 feet adjacent to residential zoning, including multi-family</li> <li>See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<ul style="list-style-type: none"> <li>Corner Lot</li> </ul>	The street frontage upon which the property is addressed shall require the front setback;

	the other street(s) shall require the side setback; these designations remain in effect for the life of the building and/or until redevelopment occurs
<b>Rear Yard</b>	<ul style="list-style-type: none"> <li>• Minimum 25 feet</li> <li>• Minimum 40 feet adjacent to residential zoning, including multi-family</li> <li>• See Section 14.7., Buffering and Screening Adjacent to Residential Districts, for additional requirements</li> </ul>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>• Landscape Area</li> </ul>	<ul style="list-style-type: none"> <li>• 10-foot landscape buffer strip planted with trees, shrubs, and groundcover adjacent to any street or any residential zoning district</li> <li>• One landscape island for every 10 parking spaces within the parking area; see Section 14.8.11., Additional Requirements for All Landscape Areas, for additional requirements</li> <li>• Exceptions: For property in the Downtown Bulverde Village Overlay district, reference Section 14.5., Special Districts, for special standards additional setback and landscape requirements apply to properties within the Scenic Gateway Overlay District; see Section 14.5., Special Districts</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape Material</li> </ul>	<ul style="list-style-type: none"> <li>• Plant material to be chosen from the City of Bulverde list of Recommended Plant Materials</li> <li>• All areas not covered with buildings or paving must be landscaped with a combination of trees, shrubs, and groundcover and may include hardscape elements if approved by the city manager or designee</li> </ul>

#### 4. Building and Parking Requirements

Requirement	Standard
<b>Building Height</b>	

<ul style="list-style-type: none"> <li>• Building</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 35 feet for any building</li> <li>• Exceptions roof equipment and certain architectural features; see Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings</li> </ul>
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>• Walls</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 70% of the street-facing wall area excluding area for glass and doorways, shall be constructed of masonry materials</li> <li>• 30% on sides not facing the street</li> <li>• Remainder of the building wall area may be constructed of non-masonry materials painted dark earth tones</li> </ul>
<ul style="list-style-type: none"> <li>• Roof</li> </ul>	Metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles of at least 300 pounds per square
<b>Architectural Features</b>	See Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings
<b>Parking</b>	Varies by use; see Section 14.6., Off-street Parking and Loading

### Section 14.3.12. AV Aviation District

- 1. Intent.** The general intent of the AV Aviation District is to accommodate the Bulverde Airport and the uses and facilities necessary to support its activities. By its nature, a General Aviation Airport will host multiple take-offs and landings of various aircraft each day, as well as the sale of aviation fuel and the storage of aircraft and aircraft parts.
- 2. Permitted Uses.** In general, aviation oriented buildings and facilities, including a landing field, hangars, aircraft parts storage, aviation fuel sales, aviation-related tenants and offices related to airport operations. See Section 14.4. Permitted and Prohibited Uses.
- 3. Lot Area Requirements.**

Requirement	Standard
<b>Lot Size</b>	Minimum 6,600 square feet

<b>Setbacks</b>	<ul style="list-style-type: none"> <li>• Minimum 30 feet adjacent to any street</li> <li>• Exterior walls of any airplane hangar 2 feet 6 inches from any property line</li> <li>• Minimum 5 feet between buildings</li> </ul>
<b>Landscaping</b>	
<ul style="list-style-type: none"> <li>• Landscape Area</li> </ul>	<ul style="list-style-type: none"> <li>• 10-foot landscape buffer adjacent to any street or any residential zoning district</li> <li>• One landscape island for every 10 parking spaces within the parking area provided adequate clearance is maintained for aircraft and runways or other landing facilities; see Section 14.8.11., Additional Requirements for All Landscape Areas, for additional requirements</li> <li>• Exceptions: For property in the Downtown Bulverde Village Overlay district, reference Section 14.5., Special Districts, for special standards</li> </ul>
<ul style="list-style-type: none"> <li>• Landscape Material</li> </ul>	<ul style="list-style-type: none"> <li>• Plant material to consist of trees, shrubs and ground cover chosen from the City of Bulverde Recommended List of Plant Materials and selected to avoid conflicts with any aircraft take-off and landing activities</li> <li>• May include hardscape elements if approved by the city manager or designee</li> </ul>

#### 4. Building and Parking Requirements

<b>Requirement</b>	<b>Standard</b>
<b>Building Height</b>	
<ul style="list-style-type: none"> <li>• Building</li> </ul>	All structures to comply with Federal Aviation Administration regulations
<b>Construction Materials</b>	
<ul style="list-style-type: none"> <li>• Walls</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum 70% of the street-facing wall area of any commercial building except an airplane hangar, excluding area for glass and doorways, shall be constructed of masonry materials</li> </ul>

	<ul style="list-style-type: none"> <li>• 30% of the exterior wall area shall be constructed of masonry on sides not facing the street</li> <li>• Remainder of the building wall area may be constructed of non-masonry materials painted dark earth tones</li> <li>• Exception: Airplane hangars may be constructed of durable non-masonry materials as defined herein or as approved by the city manager or designee</li> </ul>
• Roof	Metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles of at least 300 pounds per square
<b>Architectural Features</b>	See Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings, for commercial and industrial buildings excluding airplane hangars
<b>Parking</b>	Parking waived for all uses except flight school; see Section 14.6., Off-street Parking and Loading

### **Section 14.3.13. PD Planned Development District**

- 1. Intent.** The intent of the PD District is to allow an opportunity for greater flexibility in the combinations of uses as envisioned in the Regional Activity Center Land Use Plan category in the Future Land Use Plan and in the Downtown Bulverde Village. Applicants are encouraged to create a development that mixes uses, incorporates quality development standards and provides for appropriate connections and transitions between activities. Standards may be based on existing zoning requirements; however, in order to create a better, more innovative design, modified standards may be approved. The location of the proposed PD must be chosen based on conditions in the surrounding area and the recommendations of the Future Land Use Plan.
- 2. Permitted Uses.** Uses may be selected and combined from the list of permitted activities in Section 14.4., Permitted and Prohibited Uses. Additional uses not listed in Section 14.4 may be approved by the City Council in this District.
- 3. District Creation:** The owner of land may apply to the City for a Planned Development District. An application for a Planned Development District shall be processed in the same manner as an application for a rezoning of property. The City may also create a Planned Development District on

its own initiative. All Planned Development Districts shall be established by separate ordinance adopted by the City Council, the provisions of which shall control over this chapter to the extent of any conflict.

#### 4. Lot Area Requirements

Requirement	Standard
Lot Size	Proposed with the application
Lot Width	
Lot Depth	
Front Yard	
Side Yard	
• Interior Lot	
• Corner Lot	
Rear Yard	
FAR/Density	
Lot Coverage	
Landscape area	

## 5. Building Requirements

Requirement	Standard
<b>Building Height</b>	Proposed with the application
• Main Structure	
• Accessory Structures	
<b>Construction Materials</b>	
• Walls	<ul style="list-style-type: none"> <li>• See Section 14.3.3., R-1 Residential for single-family homes, Section 14.3.7., R-5 Residential for apartment homes and 14.3.8., C-1 Commercial District standards for guidance</li> <li>• Alternative standards may be proposed for approval in the PD application</li> </ul>
• Roof	Metal, concrete or clay tile, natural or manufactured stone, or asphalt shingles of at least 300 pounds per square
<b>Architectural Features</b>	<ul style="list-style-type: none"> <li>• See Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings for guidance</li> <li>• Alternative standards may be proposed for approval in the PD application</li> </ul>
<b>Parking</b>	<ul style="list-style-type: none"> <li>• See Section 14.6, Off-street Parking and Loading. for guidance</li> <li>• Alternate standards may be proposed with the PD application if accompanied by supporting documentation</li> </ul>

## 6. Additional Requirements for Planned Developments

Requirement	Standard
<b>Conceptual Site Plan</b>	<p>A conceptual site plan shall be submitted for the proposed development showing:</p> <ul style="list-style-type: none"> <li>• Building locations and height</li> <li>• Major circulation on-site and circulation surrounding and serving the property</li> <li>• Parking areas</li> <li>• Major landscape buffers and natural features</li> <li>• Proposed open space including a conceptual plan for its development</li> <li>• Lot coverage and/or FAR as appropriate to the use</li> <li>• Right-of-way or other areas to be dedicated to the City, if any</li> <li>• Development phasing, if proposed</li> </ul>
<b>Traffic Impact Analysis</b>	<p>A traffic analysis including recommendations shall be prepared by a professional engineer registered in the State of Texas for review by the City to address:</p> <ul style="list-style-type: none"> <li>• Current traffic counts for streets surrounding the project</li> <li>• The existing capacity of the streets</li> <li>• Traffic projections from the proposed development</li> <li>• Analysis of the ability of the existing street to accommodate the additional traffic without decreasing the level of service beyond the City's acceptable level</li> <li>• Recommendations for addressing the traffic impacts of the development</li> </ul>
<b>On-site Recreational Amenities</b>	<p>See Section 14.11., Supplemental Regulations for Multi-family Development, for amenities required for multi-family development</p>



## **SECTION 14.4.**

### **PERMITTED AND PROHIBITED USES**

## SECTION 14.4. PERMITTED AND PROHIBITED USES

### 14.4.1. Intent

1. The use of land and/or buildings shall be in accordance with the uses and districts listed in Section 14.4.2., Permitted Uses and Section 14.4.3., Prohibited Uses. No land or building shall hereafter be used and no building or structure shall be erected, altered or converted other than for the uses and districts specified.
2. The uses shall be as defined in Section 14.2., Definitions, of this ordinance.
3. Uses not listed in the table of permitted uses unless they are deemed to be essentially the same as another listed uses as determined by the city manager or designee, shall require a special use permit as described in Section 14.1., Administration and General Provisions.
4. Prohibited Uses as specified below are not allowed within the limits of the City of Bulverde and shall not be eligible for a special use permit.

### 14.4.2. Permitted Uses

The following uses shall be permitted in the zoning districts indicated either by right, by special use permit, or by permit of the city council or city manager.

[illegible]

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
<b>Airport/Heliport/Landing Field</b>											X		
<b>Ambulance Service, Private</b>									X	X			
<b>Amusement Center - Inside Activities Only</b>							S	S	S				
<b>Amusement Center - Outside Activities Permitted</b>								S	S				
<b>Animal Clinic - Inside Boarding Only</b>							X	X	X				
<b>Animal Clinic- Outside Boarding Permitted</b>									X	X			
<b>Animal Hospital - Inside Boarding Only</b>									X				
<b>Animal Hospital - Outside Boarding Permitted</b>									X	X			
<b>Antique Store</b>							X	X	X			X	
<b>Apartment Home</b>						X						X	
<b>Appliance Repair</b>									X				
<b>Armory/Munitions Storage</b>										S			
<b>Art Gallery</b>							X	X	X			X	
<b>Assisted Living Facility</b>						X	X	X				X	
<b>Bakery, Commercial</b>										X			
<b>Bakery, Retail</b>							X	X	X			X	
<b>Bank or Financial Institution</b>							X	X	X			X	
<b>Bar/Tavern/Private Club (5)</b>									X			X	
<b>Barber or Beauty Shop</b>							X	X	X			X	
<b>Barn - Livestock/Farm Equipment/Farm Supply Storage</b>	X												
<b>Bed-and-Breakfast Inn (3)</b>	S	S	S	S			X	X	X				
<b>Bicycle Sales/Service</b>								X	X			X	

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
<b>Boat Sales/Service - Outside Storage of Boat Inventory Permitted</b>									X				
<b>Body Piercing/Tattoo/Permanent Cosmetics Studio</b>									X				
<b>Book or Stationery Store</b>							X	X	X				
<b>Brewery, Large-Scale Production (5)</b>										X			
<b>Building Materials Sales - Outside Storage Permitted</b>									X				
<b>Business/Professional/Administrative/Medical/Dental Office</b>							X	X	X	X		X	
<b>C - D</b>													
<b>Cabinet Shop</b>									X	X			
<b>Camera/Photographic Supply/ Equipment Shop</b>							X	X	X				
<b>Car Title Loan Business</b>								S	S				
<b>Car Wash</b>								X	X				
<b>Caretaker's Quarters</b>	X	X											
<b>Caretaker's Quarters, Resident Manager</b>									X	X			
<b>Catering Service</b>								X	X			X	
<b>Cemetery/Mausoleum</b>													S
<b>Check-cashing Business</b>									S	S			
<b>Church or Other Place of Worship</b>		S	S	S	S	S	S	S	S	S			
<b>Clothing/Apparel Store</b>							X	X	X			X	
<b>Cluster Home</b>												X	
<b>College/University</b>									X			X	
<b>Community Garden</b>	X						X					X	

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
Concrete/Asphalt Batch Plant										S			
Condominium Home						X						X	
Construction Field Office		P	P	P	P	P	P	P	P	P	P	P	
Contractor 's Office - No Outside Storage							X	X	X	X			
Contractor's Office - Outside Storage Permitted										X			
Convenience Store									X			X	
Convenience Store with Gasoline Sales									X				
Country Club, Private		S	S	S	S							X	
Dance Hall									X	X			
Data Center									X	X		X	
Day Care, Adult							X	X	X			X	
Day Care, Child							X	X	X			X	
Day Spa							X	X	X			X	
Department Store									X			X	
Distribution Center (1)										X			
Driving Instruction School									X				
Drug Store/Pharmacy								X	X			X	
Duplex Home												X	
<b>E - F</b>													
Equipment Rental, Heavy/ Construction Equipment - Outside Storage of Rental Equipment Permitted									X	X			
Exterminating Service										X			
Fabric Store							X	X	X				
Farm Equipment/Supply Sales - Outside Storage of Farm Equipment Permitted									X				

	<b>AG</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>AV</b>	<b>PD</b>	<b>SUP</b>
<b>Farmer's Market</b>	P						P	P	P			P	
<b>Farming</b>	X												
<b>Feed/Grain/Hay Storage</b>	X												
<b>Fine Arts Studio</b>							X	X	X			X	
<b>Fine Arts Studio with Small-scale Production</b>									X	X			
<b>Fire, EMS Facilities</b>	S	S	S	S	S	S	X	X	X	X			
<b>Flight School</b>											X		
<b>Florist</b>							X	X	X			X	
<b>Food Truck Park</b>									S			X	
<b>Fraternal Organization/Civic Club</b>							X	X	X				
<b>Funeral Home/Mortuary</b>								X	X				
<b>G - H</b>													
<b>Garden Center</b>							X	X	X			X	
<b>Gardening</b>	X	X	X	X	X	X	X					X	
<b>Gasoline Service Station</b>									X				
<b>Gift Shop</b>							X	X	X			X	
<b>Glass Sales, Retail</b>									X				
<b>Golf Course, Private</b>		S	S	S	S							X	
<b>Golf Course, Public</b>		S	S	S	S							X	
<b>Grocery Store</b>								X	X			X	
<b>Guest House</b>	X	X											
<b>Halfway House/Transitional Home</b>					S	S	S						
<b>Hardware Store (4)</b>								X	X			X	
<b>Health Club/Fitness Center</b>								X	X			X	
<b>Home Décor/Accessory Sales</b>							X	X	X			X	
<b>Home Furniture/Furnishings/ Appliance Store</b>									X			X	

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
<b>Home Improvement Center - Outside Storage of Customary Items Permitted (1), (4)</b>									X			X	
<b>Home Office</b>	X	X	X	X	X	X						X	
<b>Hospital</b>												X	
<b>Hotel</b>									X			X	
<b>Household Electrical/Electronic Equipment Sales/Repair - No Outside Storage</b>								X	X			X	
<b>Household Equipment Rental - No Outside Storage</b>								X	X				
<b>Household Equipment Rental - Outside Storage of Weather-resistant Inventory Permitted</b>									X	X			
<b>I - J</b>													
<b>Interior Design/Decorating Studio</b>							X	X	X			X	
<b>Jewelry Store</b>							X	X	X			X	
<b>K - L</b>													
<b>Landscape Nursery, Wholesale - Outside Storage of Plant Inventory Permitted</b>	X									X			
<b>Laundromat</b>								X	X			X	
<b>Laundry/Dry Cleaning Pick-up Location</b>							X	X	X			X	
<b>Laundry/Dry Cleaning Plant</b>										X			
<b>Lawnmower Sales/Service</b>									X				
<b>Leather Goods/Luggage Store</b>							X	X	X			X	

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
<b>Liquor/Wine Package Sales (5)</b>								X	X			X	
<b>Locksmith</b>								X	X				
<b>M - N</b>													
<b>Machine Shop/Metal Fabrication/Welding Shop - No Outside Storage or Operations</b>									X	X			
<b>Mailing Service</b>							X	X	X			X	
<b>Manufactured Home</b>					X								
<b>Manufacturing, Heavy (1)</b>										X			
<b>Manufacturing, Light (1)</b>									X	X			
<b>Martial Arts School</b>								X	X				
<b>Massage Therapy Clinic (6)</b>							X	X	X			X	
<b>Medical/Dental Lab</b>								X	X	X		X	
<b>Microbrewery/Craft Brewery (5)</b>									X			X	
<b>Mini-warehouse (see Self-storage Facility)</b>													
<b>Minor Emergency Care/Urgent Care Facility - Outpatient Services Only</b>								X	X			X	
<b>Mobile/Manufactured Home Sales - Outside Storage of Home Inventory Permitted</b>									X				
<b>Modular Home</b>					X								
<b>Motel</b>									S	S			
<b>Motor Vehicle Body Shop (1)</b>									X	X			
<b>Motor Vehicle Parts/Accessory Sales</b>									X				



	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
<b>Motor Vehicle Rental - Outside Storage of Vehicle Inventory Permitted</b>									X				
<b>Motor Vehicle Repair Shop, Major (1)</b>									X	X			
<b>Motor Vehicle Repair Shop, Minor (1)</b>								X	X	X		X	
<b>Motor Vehicle Sales/Leasing Center, New or Used - Outside Storage of Vehicle Inventory Permitted (1)</b>									X				
<b>Motor Vehicle Storage Lot - Outside Storage of Vehicle Inventory Permitted</b>									X				
<b>Movie Theater (6)</b>									X			X	
<b>Musical Instrument Sales/Repair</b>								X	X			X	
<b>Neighborhood Recreation/Amenity Center</b>		X	X	X	X	X						X	
<b>Non-profit/Charitable/Community Service Organization</b>							X	X	X				
<b>Nursing Home/Skilled Nursing Center</b>						X		X	X				
<b>O - P</b>													
<b>Office Furniture/Furnishings/Supply/Equipment Sales</b>								X	X				
<b>Optical Goods Store</b>							X	X	X			X	
<b>Paint/Wallpaper Store</b>								X	X				
<b>Parking Lot, Accessory</b>						X	X	X	X	X	X	X	

[illegible]

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
Quarry										S			
Radio/Television/Microwave/ Cell Tower													S
Radio/Television Studio									X				
Real Estate Sales Office, Temporary			X	X	X	X							
Rehabilitation Center								X	X				
Resident Manager/Caretaker Quarters									S	S			
Resort												X	S
Restaurant, Dine-in								X	X			X	
Restaurant with Drive- through or Drive-in Service (2)								X	X			X	
Retail Center, Convenience (4)							X	X	X			X	
Retail Center, Neighborhood/ Community (4)								X	X			X	
Retail Center, Regional (4)									X			X	
Riding Academy/Stables, Commercial	X												
Rifle/Pistol/Archery Range									S	S			
<b>S - T</b>													
School, Private/Parochial	S	X	X	X	X	X	X	X	X				
School, Public	S	X	X	X	X	X	X	X	X				
Scientific/Research/ Development Laboratory									X	X		X	
Self-storage Facility (1)									X	X		X	
Shoe Repair							X	X	X			X	
Showroom (1)									X	X			
Sign Printing Shop								X	X	X			

[illegible]

	AG	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	AV	PD	SUP
KEY				NOTES									
<b>X = Permitted</b> <b>S = Special Use Permit Required</b> <b>P = Special permission from the City Council or City Manager or designee required</b>				<b>(1) No overhead doors or blank, unadorned walls facing the street; all operations conducted indoors</b> <b>(2) Subject to City review and approval of a Traffic Impact Analysis</b> <b>(3) Certificate of Occupancy required</b> <b>(4) Size limitations apply</b> <b>(5) Subject to Article 4.02, Alcoholic Beverages, of the City of Bulverde Code of Ordinances, as amended</b> <b>(6) Subject to Article 4.03, Sexually Oriented Businesses, of the City of Bulverde Code of Ordinances, as amended</b> <b>(7) Subject to Chapter 2, Animal Control, of the City of Bulverde Code of Ordinances, as amended</b>									

### 14.4.3. Prohibited Uses

#### 1. Animals

The following animal-related uses and activities shall be limited or prohibited within the corporate limits of the City of Bulverde. The provisions of Chapter 2, Animal Control, City of Bulverde Code of Ordinances, as amended shall also apply.

- A.** Commercial breeding or feeding of animals, birds, poultry, fish or reptiles, the operation of a commercial dairy and the operation of a rodeo or roping arena is prohibited.
- B.** Outdoor kennels affiliated with an animal clinic, animal hospital or pet boarding establishment shall be limited as provided herein.
- C.** These restrictions shall not be construed to prohibit the keeping of a reasonable number of domestic animals for family enjoyment, but where such domestic animals are kept, the premises

## **SECTION 14.5.**

### **SPECIAL DISTRICTS**

shall be maintained in a clean condition and in a manner to avoid excessive noise, the breeding of flies or the production of noxious odors.

## **2. Salvage Yards, Auto Wrecking Yard or Similar Use**

No property located within the corporate limits of the City of Bulverde shall be used and no building shall be erected for or converted to be used as an auto wrecking yard, junkyard, salvage yard, scrap metal storage yard or wrecking material yard.

## **3. Temporary Residences**

No person shall at any time use as a residence, temporarily or permanently, a trailer, motor home, mobile home, basement, tent, shack, garage, barn or other accessory building.

## **4. Signage in Single-family Residential Districts**

No advertising sign or business sign of any character shall be permitted in a residential district, except temporary real estate, political and public interest signs as regulated by the sign ordinance and approved neighborhood entry features.

## SECTION 14.5. SPECIAL DISTRICTS

### 14.5.1. Village Overlay

1. The Village Overlay district is defined as the commercial zoned property located generally along both sides of Bulverde Road between Hwy 281 and the Comal County road maintenance limit west of Hwy 281, and the commercially zoned property along both sides of Cougar Bend between Bulverde Road and Panther/Wildcat Drive (as indicated generally below).



Bulverde Village Overlay

### 2. Intent

- A. The land uses and general character of development in Bulverde Village shall be as described in the Downtown Bulverde Village Vision, adopted in January 2016.
- B. A mix of uses appropriate in buildings consistent in scale and form to the existing downtown development pattern is envisioned.
- C. As much as possible, existing natural areas shall be preserved.
- D. The development of pedestrian amenities and a landscaped street edge is planned and plant materials shall be chosen from a list of landscape materials included in the vision study.
- E. A plaza or public open space at the intersection of Bulverde Road and Cougar Bend is envisioned as a public open space.

### 3. Bulverde Village Overlay Design Guidelines

The following design guidelines shall be enforced in the Village Overlay District:

#### A. Building Material



1. All exterior walls of all buildings shall be limestone, native natural rock, roughhewn lumber, corrugated metal or other materials consistent in appearance with the existing historic buildings in the village area.

## **2. Roofing Material**

Roofing materials shall consist of corrugated metal, standing seam metal or other materials consistent with the existing historic buildings in the Village area. Wood roofing materials are expressly prohibited.

## **3. Front Porch**

All buildings shall incorporate a covered front porch along at least 50% of the total building front facade into the architectural design. Such porch coverings shall use rough-hewn lumber, posts or stone for supports and other design elements similar to the existing historic buildings in the village area.

## **4. Reuse of Existing Buildings**

The reuse of existing historic buildings as shells for new commercial development is encouraged.

### **14.5.3. Scenic Gateway Overlay**

#### **A. Purpose and Intent**

- A. The purpose of the requirements for the Scenic Corridor Overlay District is to protect and enhance the entrance corridors to the City of Bulverde, which will:
  1. Establish an entrance corridor that heralds the approach to the city;
  2. Define the arrival to a destination;
  3. Link common elements together; and
  4. Provide consistent landscaping that reflects the heritage and scenic character of the Texas Hill Country as stated in the comprehensive plan.

#### **B. Applicability**

**A.** The following standards shall be applied for all properties, platted or unplatted, within the specific corridors listed below falling within the city limits. These standards shall be in addition to other regulations set forth in any other ordinance of the City of Bulverde.

1. U.S. Highway 281
2. F.M. 1863
3. State Highway 46

**B. Landscape Buffer**

A 25-foot landscape buffer, measured from the front property line immediately adjacent to the right-of-way is required. Where land is reserved for future rights-of-way per city, county or state thoroughfare plans, the landscape buffer shall be measured from the line of reservation/dedication.

**C. Landscaping Requirements**

The landscape buffer shall preserve the natural look of the land. All protected trees as defined by Chapter 3, Section 3.12 of the Bulverde Code of Ordinances shall be preserved, excluding the area required for driveways. If no protected trees exist, or fewer protected trees than one tree per ten (10) feet or roadway frontage exist, then new trees meeting the standards as defined in the aforementioned Section 3.12 shall be planted in the landscape buffer as described below. Additional landscaping in the buffer shall consist of native, drought-resistant plants and grasses.

1. Trees shall be planted a minimum of 10 feet from the property line or start of the landscape buffer as described in 14.3.B. above.
2. A sufficient number of trees shall be planted to achieve a total number of trees (existing protected trees and/or new trees) of at least one tree for each 10 feet of roadway frontage.
3. Trees may be staggered or clustered but shall be planted at regular intervals to mimic the natural forests in the area. A tree planting plan shall be submitted to the city for review and approval as part of the building permit process.

**D. Service Areas**

No service areas shall be permitted to front U.S. Highway 281, State Highway 46

or F.M. 1863. Service drives shall be permitted to cross the landscape buffer perpendicularly only, and no service drive shall be permitted to be constructed parallel to the landscape buffer.

## **E. Utilities**

1. Drainage facilities are not allowed within the landscape buffer except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way. Drainage facilities include all detention ponds, water quality ponds, outlet structures, drainage berms, improved channels, or other improvements associated with the drainage improvements.
2. All detention ponds and water quality ponds within the Scenic Gateway Overlay District buffer shall be designed to the greatest extent possible to conform to the natural terrain of the land and if possible as curvilinear, nonrectangular shapes. Detention ponds and water quality ponds within the landscape buffer shall be designed so that the facilities do not require chain link fences or concrete walls (or similar material). Outlet structures may be concrete with architectural treatment. Native stone is required for detention ponds and water quality ponds if the ponds are located behind or within the landscape buffer. Gabions are expressly prohibited.
3. Fencing is allowed around detention ponds only if the fencing is constructed of wrought iron or tubular steel or other similar product. The fence and any detention or water-quality ponds shall be buffered from the street view by planting native, drought-resistant plants and grasses that will, at maturity, screen at least 40 percent of the view of the detention pond and fence.
4. Separate ponds for each lot may be utilized if they are designed with a curvilinear contoured shape, are designed not to require fencing, are able to utilize vegetative slope stabilization with a slope not exceeding 3:1, and no structural retaining walls are used.
5. Dumpsters shall be located on a concrete pad enclosed on three sides by a solid masonry wall with solid gates across the front. This wall shall be at least six (6) feet in height, and at least two

feet higher than the top of the dumpster. The style and finish of the walls and gates shall be consistent with the appearance of the building(s) it serves and drawn under the seal of a professional engineer.

- 6.** All utilities must be located underground.

## **SECTION 14.6.**

### **OFF-STREET PARKING AND LOADING**

## SECTION 14.6. OFF-STREET PARKING AND LOADING

### 14.6.1. Intent

The minimum number of required off-street parking spaces for each use shall be determined by the gross building area or other measures as listed in Section 14.6.3. The uses enumerated in the table below are general and are intended to include all similar uses. For uses not specifically listed below, the city manager or designee shall choose the most comparable use to determine the parking requirement.

### 14.6.2. Calculation of Parking

1. Parking for a building shall be calculated on the basis of the number of dwelling units for residential uses and on the basis of the gross floor area of a non-residential building, as defined herein unless otherwise specified.
2. Where different uses and different types of uses are combined in a single building, the required parking for the building shall be the total of the required parking spaces for each use.
3. Where the calculation of required parking results in a fractional unit, a fraction of one-half (.5) or more shall be considered a whole unit and a fraction less than one-half (.5) shall be disregarded, except that where the total number of spaces equals less than five, a full parking space shall be required to fulfill the fractional requirement.

### Section 14.6.3.

Use	Parking Requirement
Agriculture	Two spaces per dwelling unit
Amusement Center, Inside or Outside	To be proposed in the Special Use Permit application
Assisted Living/Skilled Nursing Facility	One space for every two rooms or two beds, whichever is greater
Bed-and-Breakfast Inn	<ul style="list-style-type: none"> <li>• Two spaces for each dwelling unit plus one per guest room if in a single-family home</li> <li>• See below if in a hotel or motel building</li> </ul>
Bowling Alley	Six spaces per bowling lane

Cemetery/Mausoleum	To be proposed in the Special Use Permit application
Church or Other Place of Worship	<ul style="list-style-type: none"> <li>• One space for each 2.5 seats in the main worship area</li> <li>• A proposed parking ratio for banquet/reception/multi-purpose space shall be included in the application for a Special Use Permit for this use; these spaces may be required in addition to parking for the main worship area; the application may propose no additional parking, but must stipulate the ratio in the application</li> <li>• All spaces to be provided on the same lot as the church unless a cooperative parking agreement is executed and approved as required herein or a Special Use Permit for off-site parking is approved</li> <li>• Parking for a church or other place of worship in a residential zoning district shall not be provided in an above-grade parking structure</li> </ul>
College/University	One space for each student (design capacity) plus one space for each classroom, office, laboratory, instructional space or other non-classroom area excluding restrooms and cafeterias
Contractor's Office	<ul style="list-style-type: none"> <li>• One space per employee plus one space for each company vehicle</li> <li>• Spaces provided for vehicle parking shall not be used for outside storage</li> </ul>
Convenience Store	Minimum five spaces per building plus one space per 200 square feet of gross building area in excess of 1,000 square feet

Convenience Store with Gasoline Sales	Minimum five spaces per building plus one space per 200 square feet of gross building area in excess of 1,000 square feet excluding spaces provided at the gasoline pumps
Data Center	One space per 1,000 square feet of gross building area
Day Care, Adult or Child	One space for each five children or adults (design capacity) or one space for each 300 square feet of gross building area, whichever is greater
Distribution Center	One space per 1,000 square feet of gross building area plus parking for the office component of the building as required herein
Fine Arts Studio Dance Studios, Martial Arts Schools	One space per 100 square feet of activity area excluding changing areas/locker rooms
Flight School	One space for each student (design capacity) plus one space for each classroom, office, laboratory, instructional space or other non-classroom area excluding restrooms and cafeterias
Farmer's Market	One space per vendor plus one space for each 150 square feet of covered market area
Food Truck Park	One space per 500 square feet of dining area
Garden Center	One space for each 200 square feet of gross building area (including covered or enclosed greenhouse areas) plus one space per 1,500 square feet of outdoor sales and storage area
Gasoline Service Station	Minimum five spaces plus parking for convenience store area as required herein
Golf Course, Private or Public	Five spaces per green



Health Club/Fitness Center	<ul style="list-style-type: none"> <li>• One space per 100 square feet of activity area excluding changing areas/locker rooms, swimming pools, bathing areas</li> <li>• Parking for the office component of the building as required herein</li> <li>• Six spaces per tennis, racquetball or squash courts</li> <li>• 10 spaces per basketball court</li> </ul>
Home Furniture/Furnishings/ Appliance Store	One space per 500 square feet of gross building area
Home Improvement Center	<ul style="list-style-type: none"> <li>• Garden center—in accordance with the ratio for such use herein</li> <li>• Retail portions of the building—in accordance with the ratio for such use herein</li> <li>• Warehouse portions of the building (excluding the retail sales floor)—in accordance with the ratio for such use herein</li> </ul>
Hospital	One space for every two beds
Hotel/Motel	<ul style="list-style-type: none"> <li>• Hotel—1.25 spaces per guest room</li> <li>• Meeting and banquet space—one space for each 100 square feet</li> <li>• Motel—1.1 spaces per guest room</li> </ul>
Landscape Nursery, Wholesale	One space for each 200 square feet of gross building area (including covered or greenhouse areas) plus one space per acre of outdoor sales and storage area or portion thereof
Manufacturing Facility or Scientific/Research/Development Laboratory	One space per 400 square feet of gross building area.
Minor Emergency/Urgent Care Facility	Two spaces for each examining room
Motor Vehicle Repair Facilities	Five spaces plus two spaces outside the building for each service bay
Motor Vehicle Sales and Service Center	<ul style="list-style-type: none"> <li>• Showroom and administrative office areas shall provide parking in</li> </ul>

	<p>accordance with the appropriate ratios listed herein</p> <ul style="list-style-type: none"> <li>• Service facilities shall provide parking in accordance with the motor vehicle repair facilities</li> <li>• Twenty-five percent of the required parking spaces shall be designated as customer parking and shall not be used for storage or display of vehicles for sale</li> </ul>
Movie Theater, Theater/Stage/ Live Performance Venue	One space per 2.5 seats in the facility
Office, Bank or Financial Institutions	
<ul style="list-style-type: none"> <li>• For buildings of less than 75,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>• One space per 250 square feet of gross building area</li> </ul>
<ul style="list-style-type: none"> <li>• For buildings of 75,000 square feet or more</li> </ul>	<ul style="list-style-type: none"> <li>• One space per 300 square feet of gross building area</li> </ul>
Residential:	
<ul style="list-style-type: none"> <li>• Apartment/Condominium Home</li> </ul>	<ul style="list-style-type: none"> <li>• Two spaces per dwelling unit</li> <li>• Additional requirements in Section 14.12., Supplemental Regulations for Certain Uses</li> </ul>
<ul style="list-style-type: none"> <li>• Single-family, duplex, cluster home, townhome, patio home</li> </ul>	<ul style="list-style-type: none"> <li>• Two spaces per dwelling unit</li> <li>• .5 additional guest spaces for each townhome</li> </ul>
Restaurants and Other Food/Beverage Establishments Providing Seating for Patrons— Dine-in, Drive-through, Drive-in	One space per 100 square feet of gross building area
Garden Center	One space for each 200 square feet of gross building area (including covered or greenhouse areas), plus one space per 1,500 square feet of outdoor sales and storage area
Retail:	
<ul style="list-style-type: none"> <li>• Buildings of less than 10,000 square feet</li> </ul>	<ul style="list-style-type: none"> <li>• One space per 333 square feet of gross building area</li> </ul>

<ul style="list-style-type: none"> <li>Buildings of 10,000 square feet or more</li> </ul>	<ul style="list-style-type: none"> <li>30 spaces, plus one space per 200 square feet of gross building area in excess of 10,000 square feet</li> </ul>
<ul style="list-style-type: none"> <li>Reduction for Large Retail Buildings or Centers</li> </ul>	<ul style="list-style-type: none"> <li>Ten percent reduction in the total number of required spaces for retail buildings and centers with gross building area of 100,000 square feet or more on a single platted lot</li> </ul>
Riding Academy/Stables, Commercial	One space for every two stalls
Schools—Elementary and Secondary Grades, Public/Private/Parochial:	
<ul style="list-style-type: none"> <li>Elementary and Middle School/Junior High School</li> </ul>	<ul style="list-style-type: none"> <li>One space for each 15 students (design capacity)</li> </ul>
<ul style="list-style-type: none"> <li>High School</li> </ul>	<ul style="list-style-type: none"> <li>One space/1.5 students, (design capacity)</li> <li>One space/faculty and staff member</li> <li>One space/three seats in the auditorium; parking provided for students, faculty and staff can be credited towards the fulfillment of this requirement if the auditorium will not normally be in use during school hours</li> </ul>
Self-storage Facility	<ul style="list-style-type: none"> <li>One space for each 20 storage units plus parking required for office areas in accordance with the office ratio</li> <li>Minimum five customer spaces designated on the approved site plan</li> <li>Spaces provided for vehicle storage shall not count toward the total spaces required</li> </ul>
Showroom	One space per 1,000 square feet of gross building area plus parking for

	the office component of the building as required herein
Technical/Occupational Training School	One space per 100 square feet of classroom floor area (design capacity) plus one space for each classroom, office, laboratory, instructional space or other non-classroom area excluding restrooms and cafeterias
Tree Farm	One space per 200 square feet of gross building area plus one space for each 5 acres of outside growing area
Utility or Telecommunications Facility	One space per employee plus one space for each service vehicle
Warehouse	One space per 1,000 square feet of gross building area plus parking for the office component of the building as required herein
Wholesale Facility	One space per 1,000 square feet of gross building area plus parking for the office component of the building as required herein
Parking spaces or a parking area shall be provided for the exclusive use of vehicles transporting temporarily or permanently disabled persons as defined in applicable state or federal statutes.	

#### **14.6.3. Downtown Bulverde Village**

1. The off-street parking provided for any property within the Downtown Bulverde Village area existing at the time of passage of this ordinance shall be deemed conforming for any use permitted by the zoning, provided, however, such use does not require any new construction or zoning change or Special Use Permit.
2. The off-street parking requirements set forth herein shall apply to any property in the Downtown Bulverde Village area for which a change in zoning or Special Use Permit is required, or if new construction is proposed, for any use within the zoning district. An application for Planned Development zoning may include a proposal for non-standard parking ratios itemized by use using the above ratios as guidelines.

#### **14.6.4. Design, Construction and Maintenance of Off-street Parking Areas**

- 1.** Off-street parking shall be constructed in accordance with the design standards herein.
- 2.** The construction and maintenance of off-street parking facilities shall be the joint and several responsibility of the owner of the land upon which is located the building or use for which the off-street parking facilities are required.
- 3.** Construction plans sufficient for review to ensure compliance with development and drainage requirements shall be submitted and approved by the city manager or designee prior to the construction of the parking area improvement.
- 4.** All parking areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt.
- 5.** All parking areas shall be maintained to minimum construction specifications and shall be free of weeds, holes, dust, trash, debris and other defects which would collect water or other materials and cause further deterioration of the parking surface or would in any way impair the movement of a vehicle using said parking area. Repairs shall be done in accordance with the design standards.
- 6.** Off-street parking shall be constructed in accordance with the following design standards.
  - A.** Off-street parking spaces shall have minimum dimensions of nine feet in width and 18 feet in length exclusive of area required for access, maneuvering, ramps and other appurtenances.
  - B.** A maximum of 10 percent of the required parking spaces may be designated for use by compact vehicles with minimum dimensions of eight feet six inches in width and 16 feet in length. Compact vehicle parking areas shall be identified by either of the following methods:
    - 1.** Posting signs a minimum of 18 inches by 24 inches in size at each end of the row of compact spaces; or
    - 2.** Marking each individual parking space with painted lettering a minimum of six inches in height with verbiage designating the parking stall as a compact space.

- C.** The minimum width of access aisles internal to a parking lot or structure shall be as follows, except that where a fire lane is required, the minimum aisle width shall be the minimum width required for a fire lane:

Parking Angle	Minimum Aisle Width	
	One-Way Operation	Two-Way Operation
30°	12 feet	20 feet
45°	12 feet	20 feet
60°	16 feet	22 feet
75°	22 feet	22 feet
90°	25 feet	25 feet

- D.** Entrances and exits to parking areas shall be provided with entrances and exits so located as to minimize traffic congestion.
- E.** Boundary or perimeter areas shall be provided with wheel guards or bumper guards, located so that no part of a parked vehicle will extend beyond the property line of the parking area.
- F.** Parking lot lighting shall be arranged and oriented and lighting fixtures shall be chosen so that the source of the light is concealed from public view and adjacent residential properties and does not interfere with traffic.
- G.** Parking facilities shall be constructed with entrances and exits located and designed so as to minimize traffic congestion.
- H.** Dead-end parking shall be prohibited unless adequate turn-around area is reserved on-site so as not to require any vehicle to back into a public right-of-way or rely on adjacent property for maneuvering area.

#### **14.6.5. Cooperative Parking Plan**

1. Except as otherwise permitted under a cooperative parking plan, off-street parking facilities shall be located on the lot on which the use or structure for which they are provided is located. Pursuant to the following procedure, part of or all of the required off-street parking may

be located on a site other than the one occupied by the use or structure requiring such facilities.

2. Two or more users may share the same off-street parking facilities and each user may be considered as having provided such shared space individually. Such shared parking space, however, shall not be considered as having been provided individually unless the schedules of operation of all such users are such that none of the users sharing the facilities require the off-street parking facilities at the same time. This arrangement for sharing of off-street parking facilities shall be subject to the approval of a cooperative parking plan.
3. An application for approval of a cooperative parking plan shall be filed with the board by the owner of the entire land area to be included within the cooperative parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities and the schedule of times used by those sharing in common.
4. The application shall be reviewed for approval or disapproval by the board. Upon approval, a copy of the plan shall be registered among the records of the city and shall thereafter be binding upon the applicants, their heirs, successors and assigns. The registration shall limit and control the issuance and validity of permits and certifications and shall restrict, limit and control the use and operation of all land and structures included within such cooperative parking plan.
5. Pursuant to the same procedure and subject to the same limitations and requirements by which the cooperative parking plan was approved and registered, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this ordinance.

#### **14.6.6. Off-Street Loading Requirements**

Off-street truck facilities shall be constructed, maintained and operated in accordance with the following specifications:

1. Off-street truck loading facilities shall be required for the C-2, C-3 and I-1 districts except where the building permit expressly waives such requirement as provided in this section.
2. No structure shall be designed, erected, altered, used or occupied unless any required off-street truck loading facilities are provided. In the event that structures are enlarged, expanded or changed, the structure shall not be used, occupied or operated unless there is provided at least the amount of off-street truck loading facilities that would be required if the increment were a separate structure.
3. Loading and unloading of product or inventory shall take place entirely outside of the public right-of-way and no vehicle shall encroach on the public right-of-way during the process of loading or unloading.
4. The provision and maintenance of the off-street truck loading facilities shall be the joint and several responsibility of the operator and owner of the land upon which the structure requiring the facilities is located.
5. Off-street truck loading facilities shall be located on the same lot on which the structure for which they are provided is located; provided, however, that facilities provided under cooperative arrangement as hereinafter permitted may be located on another site not more 150 feet from the structure for which they are provided.
6. Loading areas shall not be located on the street side of a building and shall be screened from view of streets using a wall or permanent architectural feature and landscape elements such as walls, berms, trees and shrubs.
7. The following minimum truck loading spaces shall be provided in all districts for structures containing the uses enumerated above in the non-residential zoning districts or for non-residential uses in the PD Planned Development District.

<b>Square Feet of Gross Floor Area in Structure</b>	<b>Required No. of Spaces</b>
0 up to and including 12,500	1
12,501 up to and including 25,000	2
25,001 up to and including 40,000	3



- 8.** The zoning board of adjustment may approve a waiver of the off-street loading facilities required herein for structures that are required to provide and maintain fewer than five off-street parking spaces, or any other structure if the design and the proposed use of the structure shows no need for off-street loading.

## **SECTION 14.7.**

### **BUFFERING AND SCREENING ADJACENT TO RESIDENTIAL ZONING**

## **SECTION 14.7. BUFFERING AND SCREENING ADJACENT TO RESIDENTIAL DISTRICTS**

### **14.7.1. Applicability**

The following requirements shall apply to properties as follows:

1. All lots in a Commercial or Industrial district, or lots in a PD Planned Development district for commercial or industrial development and uses, that abuts a lot zoned for single-family or multi-family residential development and uses;
2. All lots zoned for multi-family development, or zoned PD for multi-family development and uses, that abuts property zoned for single-family residential development and uses, including lots zoned PD for single-family development and uses.

### **14.7.2. Buffering Required**

Commercial and industrial properties or properties zoned PD for commercial or industrial development described in Section 14.7.1. above shall meet the following buffering requirements unless separated from said single-family, multi-family or PD residential districts by a public or private street. The intent of these requirements is to provide a buffer between potentially incompatible uses.

1. A bufferyard consisting of an open space of canopy trees, grass and other landscaping and a masonry wall in combination with other design features that screen or block vision, noise pollutants, and other negative byproducts shall be provided and maintained along the entire length of the perimeter between any residential districts and any commercial or industrial districts.
2. Structures shall not be located in the bufferyard area, nor can such area be used for signage, garbage collection, any type of storage, or any nonresidential activity. Parking and driveways are permitted in the bufferyard outside of the required landscape buffer strip.
3. A landscape buffer strip a minimum of 15 feet in width shall be provided within the required setback on the property zoned commercial, industrial, or PD for commercial or industrial development or uses, that abuts the

single-family or multi-family residential zoning or any intervening public alley.

4. The bufferyard shall be planted with a minimum of one large canopy tree at least 12 feet in height upon installation and two and one-half inches in caliper measured 12 inches above the top of the root ball at time of planting, for each 20 lineal feet of bufferyard. Drought-resistant grass or ground cover that will provide the appearance of a finished planting shall be planted in the remainder of the bufferyard. All plantings shall be composed of xeriscape, drought-resistant varieties of plants and trees selected from the City of Bulverde Preferred Plant List.
5. Landscaping in the bufferyard shall be protected from vehicular encroachment by curbs, concrete retainers or other permanent barriers as approved by the city manager or designee.
6. If the property zoned single-family residential, multi-family or PD for such uses, is less than six feet above the grade of the adjacent abutting property, the owner or developer of such property and use zoned for commercial or industrial development or use shall erect and maintain a solid wall or fence constructed of masonry, weather-treated wood, vinyl or other material approved by the city manager or designee. Said wall or fence shall be at least six feet in height measured from the grade level of the commercial or industrial property along the entire abutting portion of the property line except in any visibility triangle, where the height of the wall shall be no greater than 30 inches. In the event the property zoned for commercial or industrial development or use does not coincide with the property lines of the residential property for the entire length, then such wall or fence shall be required only to the extent of the limits of the property zoned commercial or industrial.
7. In order to determine compliance with this ordinance, an application for a building permit for property zoned commercial or industrial that abuts a residential district shall include a landscaping plan with a planting schedule.
8. The owner or agent, if any, shall be jointly and severally responsible for installing and maintaining all walls or fences described herein and all landscaping and other elements in the bufferyard in a neat, orderly and physically sound condition and shall replace any deteriorated, dead or

dying plant material with living material selected from the City of Bulverde Preferred Plant List.

#### **14.7.3. Buffering of Adjacent Single-family Residences by Property Zoned for Multi-family Use**

Multi-family properties or PD multi-family properties described in Section 14.7.1. above shall meet the following buffering requirements unless separated from single-family residential or PD single-family property by a public or private street. The intent of these requirements is to provide a buffer between potentially incompatible uses.

1. A bufferyard consisting of an open space of canopy trees, grass and other landscaping and a masonry wall in combination with other design features that screen or block vision, noise pollutants, and other negative byproducts shall be provided and maintained along the entire length of the perimeter between any single-family residential districts and any property zoned for multi-family use.
2. Structures are not permitted to be located in this area, nor can such area be used for signage, garbage collection, any type of storage, parking, or any nonresidential activity.
3. A landscape buffer strip a minimum of 15 feet in width shall be provided on the multi-family property within the setback abutting the single-family residential zoning or the intervening public street or alley.
4. The bufferyard shall be planted with a minimum of one large canopy tree at least twelve feet in height upon installation and two and one-half inches in caliper measured 12 inches above the top of the root ball at time of planting, for each 20 lineal feet of bufferyard. Drought-resistant grass or ground cover that will provide the appearance of a finished planting shall be planted in the remainder of the bufferyard. All plantings shall be composed of xeriscape, drought-resistant varieties of plants and trees.
5. Landscaping in the bufferyard shall be protected from vehicular encroachment by curbs, concrete retainers or other permanent barriers as approved by the city manager or designee.
6. If the property zoned single-family or PD for single-family uses, is less than six feet above the grade of the adjacent abutting property zoned for

multi-family development, the owner or developer of such multi-family property shall erect and maintain a solid wall or fence constructed of masonry, weather-treated wood, vinyl or other material approved by the city manager or designee. Said wall or fence shall be at least six feet in height measured from the grade level of the multi-family property along the entire abutting portion of the property line except in any visibility triangle, where the height of the wall shall be no greater than 30 inches. In the event the property zoned for multi-family development or use does not coincide with the property lines of the single-family residential property for the entire length, then such wall or fence shall be required only to the extent of the limits of the property zoned for multi-family development.

7. In order to determine compliance with this ordinance, an application for a building permit for property zoned for multi-family use that abuts a single-family residential district shall include a landscaping plan with a planting schedule.
8. The owner or agent, if any, shall be jointly and severally responsible for installing and maintaining all walls and fences described herein and all landscaping and other elements in the bufferyard in a neat, orderly and physically sound condition and shall replace any deteriorated, dead or dying plant material with living material selected from the City of Bulverde Preferred Plant List.

## **SECTION 14.8.**

### **LANDSCAPING**

## **SECTION 14.8. LANDSCAPING**

### **14.8.1. Intent**

1. Landscaping shall be provided on non-residential and multi-family properties as required herein.
2. These requirements are intended to promote quality, consistent, sustainable design and not to impede creative and unique design solutions. City staff will work with property owners and consultants to develop an appropriate landscape design based on the opportunities and constraints of individual properties.
3. To preserve the Hill Country character in the City of Bulverde, native landscaping should be preserved where possible and compatible landscape material should be incorporated into new site development in order to:
  - A. Utilize native grasses, wildflowers, and native boulders in the landscape design.
  - B. Locate parking areas where they will best preserve Bulverde's Hill Country landscape.
  - C. Integrate existing stands of trees and other significant vegetation into the site design.
  - D. Use existing landscape buffers between buildings and within parking areas and open spaces in new development if possible.
4. Site and landscape designs and plans shall, to the extent possible, incorporate natural areas, open spaces and view corridors typical of the local environment to create buffers between varying land uses.

### **14.8.2. Maintenance and Irrigation of Landscaped Areas**

1. All landscape material must be irrigated by a mechanical underground system with operating rain and freeze sensors.
2. The property owner shall be responsible for maintaining the landscape in accordance with the approved landscape plan. Dead or dying plant material, as determined by the city, shall be replaced in accordance with the approved landscape plan.



### **14.8.3. Sight Triangle/Visibility Easement**

1. Sight triangles as defined herein shall be maintained at all street, alley, or private drive intersections. Nothing herein shall be construed as permitting or requiring any obstruction to views and no person shall locate a structure or plant material in a manner which will create a traffic hazard.
  - A. Within the required sight triangle/visibility easement, no landscape materials or other obstruction shall be located or maintained in the area measured between 30 inches above the driving surface and eight feet above the top of the curb. Ornamental trees may be permitted within the visibility triangle provided that the lowest limbs are trimmed to a minimum height of eight feet, measured from the top of the curb.

### **14.8.4. Landscaping Adjacent to Streets and Major Private Drives and in Parking Areas**

1. A minimum 10' wide landscape buffer shall be provided on private property exclusive of any adjacent right-of-way between public or private streets (or private drives having a minimum width of 50 feet) and any adjacent parking areas. No impervious surface except sidewalks and drive approaches may encroach upon the landscape buffer.
2. Within the landscape buffer, a minimum of quantity of one canopy tree and one ornamental tree shall be provided for each 50 lineal feet of street frontage. Trees are not required to be placed 50 feet on center and may be staggered or clustered so as to be located outside the sight triangle/visibility easement, provide view corridors into the development or to emphasize driveways or property corners at the intersection of two streets.
3. Sidewalks located adjacent to public or private streets may meander onto private property provided a pedestrian easement can be acquired from the private property owner.
4. A concrete, permeable pavement, paverstone or mulch strip the width of the vehicle overhang (30 inches) is required for parking spaces adjacent to a landscape buffer. This strip shall be measured from the face of curb to the edge of the landscaped bed.

5. One landscaped island shall be provided at the end of each row of 10 parking spaces to incorporate one canopy trees or two ornamental trees, and ground covers, and shall include an 18 to 24 inch wide paved strip adjacent to the parking stall to protect the landscaping from pedestrian damage. Said strip may be constructed of permeable pavement, grasscrete or paverstone.

#### **14.8.5. Building Foundations and Entrances**

Shrubs and ornamental plantings shall be provided to minimize the appearance of building foundations and to accent building entrances.

#### **14.8.6. Screening of Ground Level Equipment:**

All ground level equipment, including fans, vents, air conditioning units, cooling towers, fuel tanks, telephone boxes and generators should be screened from the view of streets and adjoining properties by means of a masonry wall or living screen not less than the height of the tallest element of the equipment.

#### **14.8.7. Existing Trees**

1. Landscape designs must be sensitive to existing trees on the site. The removal of these trees should be minimized and incorporated into the proposed design in order to:
  - A. Preserve and protect larger native or established trees, which once destroyed can only be replaced after generations, if at all;
  - B. Prevent the clear-cutting of land;
  - C. Provide for open space and more efficient drainage of land, the reduction of the effects of soil erosion and the need for additional drainage facilities;
  - D. Preserve the existing natural environment whenever possible and to encourage throughout any construction or land development;
2. All protected trees on the site as defined by Section 3.12, Tree Preservation, Chapter 3 of the Bulverde Code of Ordinances as amended must be inventoried and indicated on the landscape plans submitted for review and approval by the city prior to the removal of any

protected tree. Any trees to be removed must be indicated both graphically and in tabular format on the landscape plan, with the reason for removal clearly indicated. A tree removal permit must be secured in advance of the removal of any trees, and a mitigation plan must be presented in accordance with the aforementioned Section 3.12, as amended.

#### **14.8.8. Preferred Plant Material**

Plant material shall be selected from the list of Preferred Plant Material provided by the City of Bulverde. Seasonal color may be chosen without reference to this list.

#### **14.8.9. Minimum Size at Installation**

1. Plant materials shall be the following size at the time of installation. Caliper shall be measured at a height of 4 feet from grade.
  - A. Canopy Trees - Minimum 3-inch caliper, 12 to 15 feet in height; see also Chapter 3, Section 3.12, Tree Removal and Mitigation
  - B. Ornamental Trees - 8 to 10 feet in height
  - C. Shrubs - 5 gallon container
  - D. Ground Cover and Vines - 1 gallon container
  - E. Seasonal Color Plants - Property owner's discretion

#### **14.8.10. Additional Requirements for All Landscape Areas**

1. Landscape designs shall incorporate water conservation principles, soil protection and improvement and the use of drought-tolerant plants. Mulch shall be installed around all plants to minimize the evaporation of soil moisture.
2. Minimum landscape buffer area shall be measured exclusive of right-of-way.
3. The depth of the required landscape buffer may be reduced during the approval of the site plan if the reduction is required for public improvements.

4. Landscape islands shall be a minimum of 10 feet in width and the depth of the adjacent parking space and shall be surrounded by a 6-inch raised concrete curb unless contraindicated on the civil engineering plans for the site.
5. Non-permeable pavement may not be located within 5 feet of the trunk of a tree; however, if pavement must be located within 5 feet of a tree trunk, a root barrier constructed of rigid material must be installed.
6. Area within the 100-year floodway cannot be counted toward meeting the minimum landscape area requirement.
7. Drainage facilities such as detention ponds, water quality ponds, outlet structures, drainage berms, improved channels or other improvements associated with drainage are not allowed within the landscape buffer except those that are necessary to convey drainage in the shortest possible route to or from the street right-of-way. Rain gardens and bioswales, if improved with landscaping and aesthetic treatments, may be located within the buffer.
8. Additional requirements for amenities, including outdoor open space and recreational improvement options, apply to multi-family residential projects as indicated in Section 14.11., Supplemental Regulations for Multi-family Development.
9. Trees that will be planted near overhead utility lines shall be selected from species, and placed in locations, to minimize conflicts with the overhead lines.

#### **14.8.11. Landscape/Buffering Plan**

The landscape/buffering plan submitted for approval by the city must meet be drawn to scale and must include the following minimum information:

1. Proposed landscaping, including the size, species and locations.
2. Other visual screening methods and their design, such as walls and fences.
3. A tree preservation and replacement plan meeting the specifications of the zoning ordinance if the development proposes the removal of trees or affects the driplines of existing trees.

#### **14.8.12. Deviation from Requirements**

1. Deviation from the minimum requirements of this ordinance shall require approval of a variance from the zoning board of adjustment.
2. No site developed prior to the adoption of this ordinance shall be required to meet the requirements herein unless the site is redeveloped or the building area is increased by 30% or more or the parking lot is reconstructed. In cases where physical or other conditions prevent the provision of landscaping in compliance with the requirements herein, the city manager or designee may approve landscape plans that make significant progress towards achieving the requirement.

## **SECTION 14.9.**

### **EXTERIOR CONSTRUCTION STANDARDS FOR SINGLE-FAMILY RESIDENTIAL BUILDINGS AND ACCESSORY STRUCTURES**

## **SECTION 14.9. EXTERIOR CONSTRUCTION STANDARDS FOR SINGLE-FAMILY RESIDENTIAL BUILDINGS AND ACCESSORY STRUCTURES**

### **14.9.1. Purpose and Intent**

The purpose of this section is to require materials for the construction of single-family dwelling units that are durable and low-maintenance, to allow flexibility and creativity in the design and architectural features of the structure and to require compatibility between the main building and accessory structures of a certain size

1. At least 75 percent of the total exterior wall area of all residential structures in the AG Agricultural and the R-1, R-2, R-3 Residential districts, excluding doors, windows, breezeways and courtyards, of single-family residential structures, regardless of height or number of stories, shall be constructed of masonry construction as defined herein. Exterior walls facing a porch or patio shall be included in the total wall area calculation for purposes of this article. The exterior portion of a chimney for newly constructed single-family structures or additions to existing dwellings shall be constructed of 100 percent masonry materials.
2. The remainder of the wall area may be constructed of non-masonry materials as defined herein, provided that no single elevation shall be less than 50 percent masonry construction, except walls or portions thereof on a porch, patio, courtyard or breezeway may be constructed of non-masonry materials. Damage-resistant exterior insulation finishing systems (EIFS) may be installed as a non-masonry material above a height of eight feet.
3. Where a second-story exterior wall of a single-family residential structure is offset a minimum of three feet from the plane of the first-floor exterior wall below, or a dormer window is offset a minimum of one foot from the plane of the first-floor exterior wall below, the wall of the offset portion shall be excluded from the wall area calculation for purposes of this section.

- 4.** Roofs shall be constructed of metal, concrete or clay tile, natural or manufactured stone, or laminated asphalt shingles of at least 300 pounds per square. Wood shingles are expressly prohibited.
- 5.** Where non-masonry construction is permitted, hardboard siding material is prohibited except as provided in this article.
  - A.** A single-family residential structure with exterior construction of hardboard siding materials destroyed by fire, explosion, windstorm, flood or other casualty or act of God or public enemy or other cause may not be rebuilt except to conform to the provisions of this article. In the case of partial destruction not to exceed 50 percent of its total appraised value, reconstruction will be permitted, provided, however, the previously existing percentage or area of the structure covered by such material may not be expanded or increased.
  - B.** A single-family residential structure with exterior construction of hardboard siding materials may be enlarged, increased or extended with hardboard siding materials when necessary for a continuation of such materials, provided the extension or addition does not exceed 25 percent of the previous existing total wall area of the structure covered by such materials.
- 6.** Where a garage is converted for use as living space or converted into space other than vehicle storage space, the conversion shall be constructed in conformance with the residential exterior construction standards in herein and shall be architecturally compatible with the principal building as determined by the chief building official, or designee.
- 7.** Materials used in the recladding of existing residential structures must be architecturally compatible with the principal structure including all new and existing trim, architectural appendages, windows and doors as determined by the city manager or designee.
- 8.** Nothing contained in this article shall require any change in the plans or construction of a single-family residential structure located on a platted lot of record to conform to these standards for which a building permit has been issued, or a single-family residential structure for which a substantially complete application for a building permit was accepted by the city manager or designee prior to the effective date of this ordinance



provided, however, such single-family residential structure shall comply with all applicable ordinances of the city in effect on the date of such application was filed and the building permit is issued within 30 days thereafter.

#### **14.9.2. Accessory Buildings in Single-family Residential Districts**

1. Lots in a single-family residential zoning district may include the customary accessory buildings provided there is a main building located on the property.
2. Accessory buildings less than 400 square feet in size may be constructed of masonry or non-masonry materials or a combination.
3. Accessory buildings of 400 square feet or more, including carports with a covered area of 400 square feet or more between the support poles or columns, may be constructed of masonry or non-masonry materials. The appearance of the accessory building shall conform to the exterior appearance of the main building in terms of wall color, trim color, roof pitch and roof color.
4. Carports shall be permitted provided they are used primarily for the shelter of motor vehicles and not for the storage of materials or items other than vehicles.
5. A private garage is permitted to accommodate no more than five automobiles in the R-3 or R-4 zoning districts.
6. Barns of any size as defined herein may be constructed of durable non-masonry materials in accordance with the Bulverde Building Code.

## **SECTION 14.10.**

### **ARCHITECTURAL STANDARDS FOR COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY BUILDINGS**

## **SECTION 14.10. ARCHITECTURAL STANDARDS FOR COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY BUILDINGS**

### **14.10.1. Intent**

1. The design and construction of all new and renovated commercial, industrial and multi-family buildings within the Bulverde area shall meet the following objectives:
  - A. Promote attractive and tasteful development that is unique to Bulverde;
  - B. Define Bulverde's image, personality and character;
  - C. Preserve the city's natural, cultural and historic assets;
  - D. Foster a built environment of creativity, timeless quality and enduring value;
  - E. Promote an integrated approach to site development, building design, and the landscape.

### **14.10.2. Applicability**

1. These standards have been established to regulate:
  - A. All multi-family and non-residential building exteriors within the R-5 Residential district and the Commercial and Industrial zoning districts and for multi-family, commercial and industrial buildings in the PD Planned Development district unless otherwise approved.
  - B. All exterior modifications to existing commercial and industrial buildings that exceed 20 percent of the existing building area.
2. Structures within the AV Aviation district are exempt from these standards.

### **14.10.3. Plan Submission Requirements for Review and Approval**

1. The following items shall be submitted to the city manager or designee for review and approval:
  - A. Concept site plan showing building footprint, parking, trees, significant natural features, landscape areas and other site elements.

- B.** Colored exterior elevations or 3-D rendering showing the proposed building(s);
  - C.** Proposed building signage including proposed sign locations on the site plan and on exterior elevations;
  - D.** Material schedule and sample board;
  - E.** Electronic copies of items 1. through 4. above.
- 2.** Applicants are encouraged to review the City of Bulverde's *Architectural Standards Guide*, available at Bulverde City Hall and on the city's website, for further information regarding desired architectural features prior to scheduling a pre-application conference with the city manager or designee and submitting an application.

#### **14.10.4. Design Requirements**

##### **1. Compatibility**

- A.** New or modified buildings and developments in or adjacent to existing developed areas shall be compatible with the established architectural character of adjacent areas with the use of complementary designs and techniques. Character compatibility can be achieved through techniques such as similarity of:
- 1.** Roof lines
  - 2.** Proportions in building mass and outdoor spaces;
  - 3.** Relationships to the street;
  - 4.** Window and door patterns;
  - 5.** Building materials.

##### **2. Building Materials**

- A.** The exterior building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. No less than 70 percent of the total combined area of the front, side and rear facades of each building, excluding glass and doorways, shall be constructed of masonry materials as defined herein.
- B.** Masonry materials shall comprise no less than 60 percent of any individual building façade.

- C.** The remainder of the wall area may be constructed of non-masonry materials as defined herein or recycled materials with the approval of the city manager or designee.

### **3. Building Color**

- A.** The standard scheme for all commercial buildings and structures shall be colors commonly found in the native landscape of the Hill Country area. At least 80% of the solid surface facade of these buildings or structures should be primarily natural and earth tone colors with a range of tones including ochre, brown, umber, rust, olive, beige, taupe, sepia, white, off-white, and slight variations.
- B.** Accent colors may comprise the remaining 20% of the solid surface facade and should relate to the base tones.
- C.** Decorative canopies, special elements and signage can be a more striking color if approved.

### **4. Building Articulation**

Horizontal and vertical elements of the exterior walls shall vary in height, design and projection to create shade, cast shadows and provide visual relief to the buildings. Such interest and style shall be provided through techniques including, but not limited to: arcades; cornices; eaves, awnings, or canopies; sloped or unique roof features (e.g., parapets, mansard); architectural focal points (e.g., entry ways, alcoves, pillar posts, or window treatments); projections and recesses in building wall planes.

### **5. Height Standards**

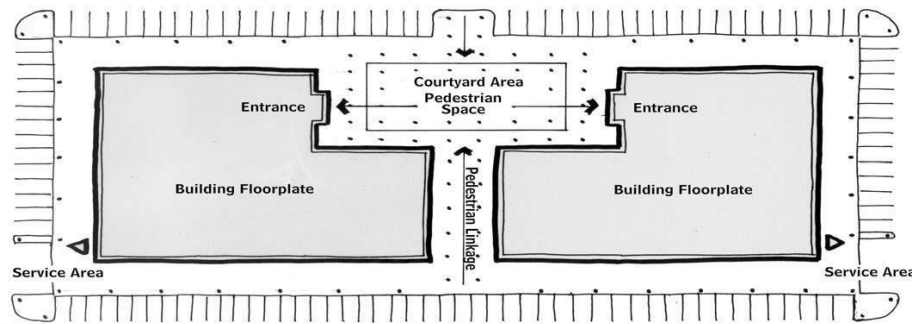
- A.** In no case shall the occupiable portion of any building be taller than 35 feet measured as the vertical distance between the average finished grade at the base of the building and the highest point of a flat roof including parapet walls or the midpoint between the eaves and the ridge line of a gable, hip or gambrel roof.
- B.** Roof structures usually required above roof level and not intended for human occupancy may be erected up to 15 feet above the height limit of the district, whether such structure is attached or freestanding. Such structures may include but are not limited to those housing or screening elevators, stairways, tanks, ventilation fans, or similar equipment for building operation and maintenance or fire protection; or

skylights, flagpoles, chimneys, utility lines, towers, antennas, fire towers and any screening parapet wall; or other appurtenances usually required above the roof level.

- C. Steeples, crosses, spires, belfries, and cupolas when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district.

## 6. Mass and Form

- A. A building's massing and scale shall relate to its site, use and the character of its neighborhood.
- B. Building massing (elevations and floor plate configurations) should vary to avoid monotony and linear forms. Strip or linear retail development is not desirable.
- C. Building footprints should be sited in order to create definable pedestrian spaces (e.g., courtyards, plazas, pocket areas, larger sidewalks) or variations of outdoor space.



Building siting to create definable pedestrian spaces

- D. Compatibility of building mass shall be created by using small structures or by stepping back upper floors facing the street to surround a plaza, courtyard or other pedestrian area.

## 7. Scale

- A. Building design shall reinforce a sense of human scale.
  - 1. One- and two-story structures shall predominate to enhance the pedestrian-friendly, small-town character of the community.

2. Design techniques shall be used to visually reduce the apparent size of large buildings so that they are more compatible with the surrounding structures.
3. Building entries shall be reinforced through the use of arcades, porte-cocheres, loggias, and plantings to help the building transition to a pedestrian scale environment.

## 8. Offsets

Any wall in excess of 100 feet in length that faces a public right-of-way shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20 percent of the length of the facade, not to exceed 100 horizontal feet.



Example of articulation standards

## 9. Facade Treatment

- A. Building facades shall incorporate architectural style, detail and trim compatible with the Bulverde character, including features such as:
  1. Changes in construction materials and patterns;
  2. Offsets and changes in plane;
  3. Changes in color or the use of color banding.

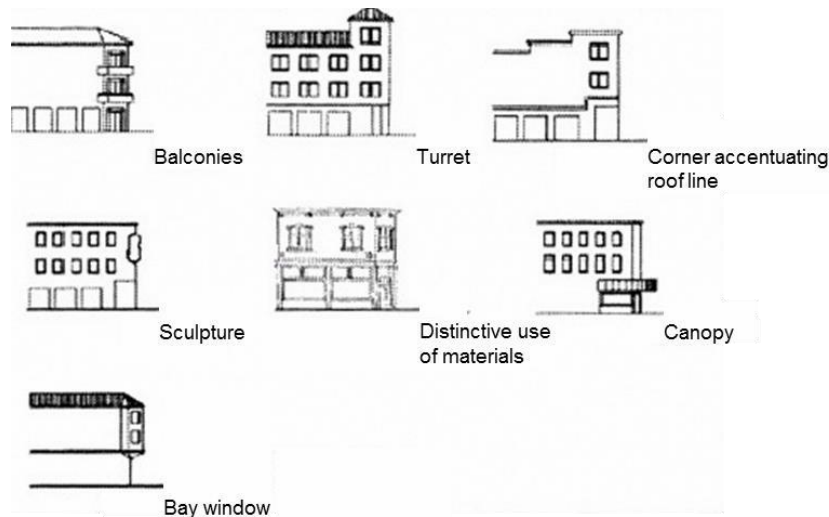
## 10. Entrances

- A. Building entrances should be visible and clearly defined using:
  1. Changes in wall plane or building massing;
  2. Differentiation in building material or color;
  3. Peaked roof forms, porches, raised corniced parapets;
  4. Benches and other seating components;
  5. Structural and vegetative shading and awnings;
  6. Enhanced lighting;

## 7. Recessed building entrances.

### 11. Building Corners at Street Intersections

Building corners at the intersection of public streets, adjacent to major drives and within multi-building developments shall be designed with special corner treatment such as entrances, canopies, balconies, turrets or similar features.



Examples of building corner treatment at street intersections

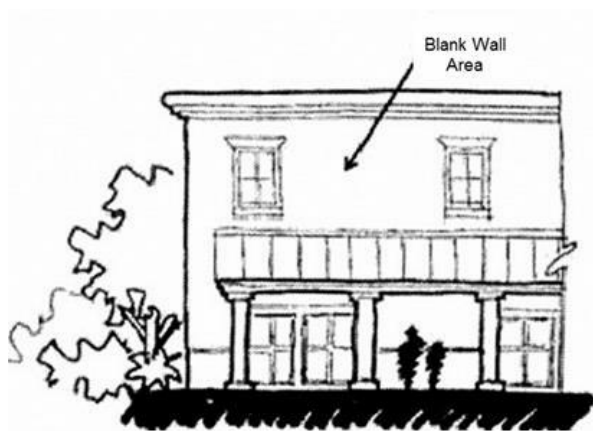
### 12. Blank Wall

Blank wall areas on primary facades shall not extend more than 15 feet in a vertical direction or 30 feet in the horizontal direction without variation.

Blank walls shall be broken up with:

- A.** Changes in materials or colors;
- B.** Relief or reveals a minimum of one-half inch in depth;
- C.** Windows;
- D.** Signage;
- E.** Light fixtures;
- F.** Murals;
- G.** Other similar features.





Example of blank wall area on primary facade

### 13. Secondary Facade Guidelines

Side and rear building walls visible from a public street shall include architectural details such as:

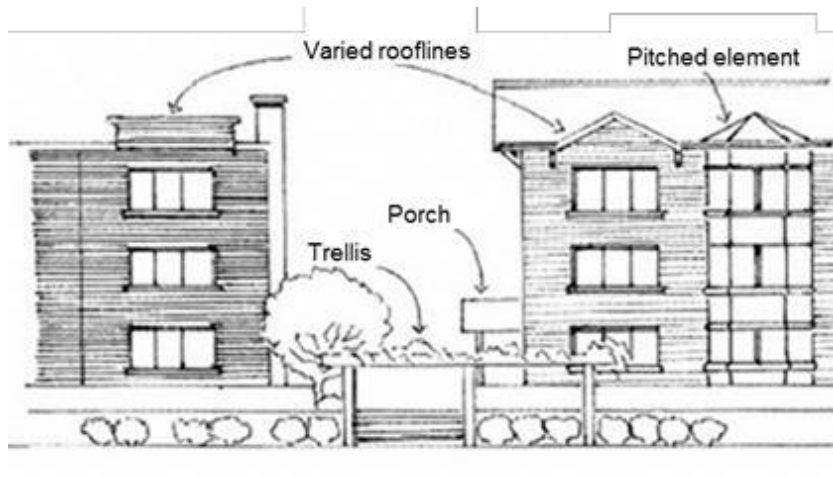
- A. Color and material changes;
- B. Relief or reveals a minimum of one-half inch in depth;
- C. Windows or other openings;
- D. Secondary entries;
- E. Signage;
- F. Light fixtures;
- G. Murals;
- H. Other similar features that complement the primary façade.



Examples of featureless, inappropriate side and rear facades

## 14. Roof Treatment

- A.** Sloped roofs shall have variable rooflines through the use of gables, hips, dormers, overhanging eaves or porches. Flat roofs shall have variable rooflines through the use of parapets and cornices.

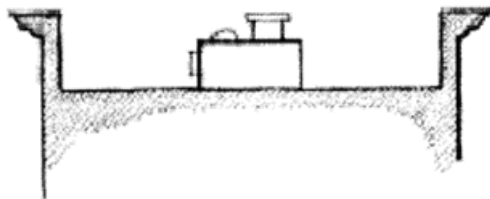


Examples of roof variation standards

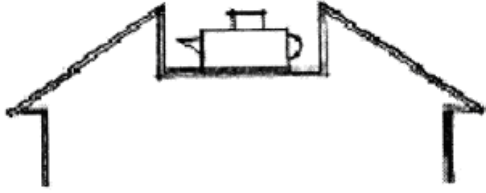
- B.** Materials for sloped roofs shall consist of metal, concrete or clay tile, natural or manufactured stone or asphalt shingles. Portions of a sloped roof shall be permitted to be flat to provide for mechanical equipment wells if screened by pitched roof sections.

## 15. Rooftop Equipment

- A.** In order to approve the overall appearance of a building, roof-mounted equipment shall be screened by walls that extend above the roof surface such as parapet walls with cornice or other trim features or the equipment may be located within a recessed well surrounded by a pitched roof structure.



Example of raised parapet wall



Example of recessed well surrounded by pitched roof

- B.** Roof vents (stack vents) and powered ventilation equipment shall not be visible on the roof plane of the primary facade.

## **16. Awnings and Canopies**

- A.** Where consistent with the architectural style of a building, awnings and canopies are permitted to provide shelter from rain, wind and sun in pedestrian areas; to protect interior furnishings and finishes from fading; to allow natural light into the building; and to add architectural interest or historic ambiance.
- 1.** Awnings and canopies shall be located so as not to conceal important architectural details and elements
  - 2.** Awning and canopy shapes shall relate to the architecture of the building.
  - 3.** Acceptable materials for awnings and canopies include but are not limited to metal, canvas or woven acrylic. Shiny vinyl or plastic fabrics and prefabricated metal awnings are prohibited except as approved by the city manager or designee.
  - 4.** The color of awnings and canopies should be compatible with the overall color scheme of the project.
  - 5.** Internally illuminated awnings are prohibited unless approved by the city manager or designee.

## **17. Porches**

- A.** Porch elements similar to those seen throughout the Texas Hill Country are permitted and strongly encouraged to provide shade, reflect traditional building scales and provide a sense of entry and visual interest.

- B.** Porches should relate to the overall architectural style and scale of the main building and appear to be an integral element of the building in regard to material, scale and detailing.
- C.** Porch supports should be substantial enough that the porch does not appear to float above the entry.



Examples of porches in the Bulverde area

## **SECTION 14.11.**

### **SUPPLEMENTAL REGULATIONS FOR MULTI-FAMILY DEVELOPMENT**

## **SECTION 14.11. SUPPLEMENTAL REGULATIONS FOR MULTI-FAMILY DEVELOPMENT**

### **14.11.1. Exterior Construction Standards for Multi-family Residential Buildings**

1. At least 60% of the total building wall area on any occupiable building in the R-5 Residential district, excluding doors, windows, breezeways and courtyards, shall be constructed of masonry materials as defined herein. The exterior portion of a chimney for newly constructed multi-family structures or additions to existing dwellings shall be constructed of 100 percent masonry construction.
2. The remainder of the building wall area may be constructed of masonry materials or non-masonry materials as defined herein or a combination. Damage-resistant exterior insulation finishing systems (EIFS) may be installed as a non-masonry material above a height of eight feet.
3. Building accents and trim may be constructed of non-masonry materials, including metal, wood, exterior tile or other materials approved by the city manager or designee.
4. Roofs shall be constructed of metal, concrete or clay tile, natural or manufactured stone, or laminated asphalt shingles of at least 300 pounds per square. Wood shingles shall be expressly prohibited.
5. Exterior front doors shall be made of metal with a minimum 20-gauge thickness and an insulated core, or fiberglass with an insulated core. Glass inserts are permitted to allow light. Patio doors may be French doors or sliding glass doors with solid wood or metal frames. Garage doors shall be metal with a minimum 24-gauge thickness. Hollow core or wooden doors shall be prohibited.
6. Balconies and stairway surfaces shall be constructed of the following materials:
  - A. Balcony and stairway surfaces, handrails and guardrails shall be constructed of noncombustible materials.
  - B. Structural elements and trim on balconies and stairways may be constructed of noncombustible or combustible materials or a combination.

7. Building color, articulation, mass and form, scale and orientation shall meet the requirements of Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings, in this zoning ordinance.
8. Uses other than dwelling units such as churches, schools and public buildings shall meet the Construction Material requirements of Section 14.5.7., C-1 Commercial District and Section 14.10., Architectural Standards for Commercial, Industrial and Multi-family Buildings

#### **14.11.2. Parking in a Multi-family Development**

1. Attached garages shall be constructed as an integral part of the apartment building.
2. Detached garages shall be compatible with the apartment buildings in design and building materials, including roof coverings and trim and accent features.
3. Carports, whether attached or detached, shall be compatible with the main structure in design and building materials, including roof coverings. Where carports are constructed they may not be built parallel to any street.
4. No more than two parking spaces may be accommodated in an individual garage. Several individual garages may be attached in a single detached building provided that there are no more than two contiguous spaces between the walls dividing the individual garages and that the architectural appearance of the garage building is compatible with the appearance of the multi-family buildings as to materials, colors, roof pitch and roof materials and that the length of the garage buildings is compatible in scale with the length of the multi-family buildings. In addition, the provisions of Section 14.10.4. shall apply as to building articulation and roof treatment/roofline variation to the extent possible as determined by the city manager or designee.
5. Parking structures shall be surrounded and concealed by apartment units or constructed as an integral part of the multi-family building. Ramps within the parking structure shall not be visible from the exterior and shall be concealed either by design or by the use of architectural elements to screen the ramps from view.

6. Where parking for boats, recreational vehicles and other similar vehicles is provided within a multi-family development, these spaces, which shall not count toward the minimum required parking for the development, shall be located in a designated fenced area on the site located behind the front building line and shall be screened from any abutting single-family zoning district by means of a six-foot masonry screening wall.
7. A maximum of one vehicle for the maintenance or management of the property may be stored on-site.

#### **14.11.3. Recreational Amenities in Apartment Developments**

1. Each apartment development shall provide recreational amenity features for the benefit and enjoyment of its residents, including children, adolescents and adults in accordance with Section 14.11., Supplemental Regulations for Multi-Family Development.
2. A minimum of 70 amenity points must be achieved for a complex of 250 units or less. An additional 70 amenity points must be achieved for each additional 250 units or portion thereof.
3. Amenity points shall be accrued as follows:

<b>Amenity</b>	<b>Standard per 250 Units or Portion Thereof</b>	<b>Points</b>
Playground, Indoor or Outdoor	<ul style="list-style-type: none"> <li>• One playground at least 900 square feet in size designed for children 10 years of age and under improved with safe, weather-resistant play equipment and surfaces that meet the guidelines of the Consumer Product Safety Commission and A.D.A. requirements, regardless of the number of dwelling units</li> <li>• One additional playground as specified above for</li> </ul>	0 points



	each additional 250 units or portion thereof	
Additional Playground, Indoor or Outdoor	As specified above	10 points; maximum 10 points per apartment development
Clubhouse/Gameroom	Minimum 400 square feet in size	10 points
Clubhouse/Gameroom Equipment	Pool tables, ping-pong tables in the clubhouse/gameroom; equipment to be approved by the city manager or designee; electronic video games and pinball machines are not eligible for points	1 point for each piece of approved equipment
Exercise/Fitness Room	Minimum 200 square feet in size exclusive of space included in any Clubhouse/ Gameroom	10 points
Outdoor multi-use sport court,	Tennis court, racquetball court, basketball court or similar facility	10 points

Indoor multi-use sport court	Tennis court, racquetball court, basketball court or similar facility	10 points
Swimming pool including wading area	Fenced and secured according to city requirements	10 points; maximum 20 points for each 250 multi-family units
Splash playground	Minimum 100 square feet	10 points
Multi-use walking/hiking/biking trail	Minimum 8' in width and constructed of asphalt or reinforced concrete	15 points
Usable Open Space	Minimum 1,000 square feet of contiguous area and including three of the following: cluster of trees, water feature, seating areas, picnic tables, barbeque grills, gazebos or other elements approved by the city manager or designee	10 points; maximum 30 points for each 250 multi-family units
Other	As described on the site/landscape plan	Determined by the city manager or designee
No points shall be accrued for any area such as a creek or drainageway that would be required to remain in an open state or for any improvements in the required front or side yards.		

4. The city manager or designee shall be responsible for approving the proposed recreational amenities. All open space areas shall be maintained and operated in a manner that ensures the safety and welfare of residents.

#### **14.11.4. Perimeter Fencing**

1. Where any perimeter fence surrounding a multi-family development is adjacent to a public or private street or within any front yard area, it shall be constructed of masonry, native stone, wrought iron or other material approved by the city manager or designee and shall provide at least 50 percent through vision. Where the fence is within a side or rear yard

area, it may be constructed of masonry material, native stone, wrought iron or chain link with a landscape hedge material which will reach at least the height of the fence at maturity, except where the multi-family development is adjacent to single-family residential zoning, the chain link and landscape alternative shall not be permitted without a variance.

2. Said perimeter fence may include access control features, at the entrances to the development utilizing a system approved by the city manager or designee, such as one using gates, transponders, a keypad or similar, and installed in accordance with the manufacturer's specifications.

## **SECTION 14.12.**

### **SUPPLEMENTAL REGULATIONS FOR CERTAIN USES**

## **SECTION 14.12. SUPPLEMENTAL REGULATIONS FOR CERTAIN USES**

### **14.12.1. Applicability**

The following supplemental regulations shall apply to the uses for which they are listed.

### **14.12.2. Child care centers**

Indoor and outdoor play area shall be provided for the design capacity of the child care facility in accordance with the requirements of the State of Texas.

### **14.12.3. Gasoline Service Stations**

1. Gas pumps and any related facilities shall not be located in a designated parking area, a parking area being defined as the parking space or spaces and the drive and maneuvering area necessary to use the parking spaces.
2. Gas pumps and related facilities required for the gas pumps shall not be located in any required driveway or access way necessary for normal ingress and egress to the property, or in any driveway or driving aisle which might be required for normal traffic movement through the property.
3. There shall be an area designated for the location of pumps and pump islands which shall be paved with six-inch reinforced concrete at least 30 feet by 30 feet. Should there be more than one pump island, the designated area shall be designed to allow 22 feet between pump islands (interior) and 12 feet (if one-way) or 22 feet (if two-way) on the exterior side of each pump island.
4. All pumps shall be located on a six-inch raised concrete island, surrounded by a No. 12 gauge, commercial quality, steel edge.
5. Guard posts or rails will be located as necessary around the pumps and shall be shown with specific construction detail on the site plan.

6. A minimum of three feet shall be provided between the bumper of one parking space at a gas pump and the bumper of any other parking space at a gas pump.
7. All parking spaces must be located so that no conflict is created with traffic to and from a parking area or with the general ingress and egress to the development or with the development's maneuvering and parking spaces.
8. No pump islands shall be approved if a blind corner will be created by the pumps or by automobiles using the pumps.
9. Gasoline pumps shall be located so that they are visible from the checkout stand and the gasoline sales operation shall be supervised at all times.
10. A system to light the gas pump area shall be provided. Such lighting shall be designated to light the pump area adequately without becoming an unnecessary nuisance to traffic or citizens' nearby property.
11. Gasoline pumps or canopies shall be considered as structures and no portion of any pump, pump island or canopy shall be located nearer than 46 feet from any residential district, including the R-5 (multi-family) district or the residential or multi-family portion of any Planned Development. Fuel storage tank location and fill opening location shall be subject to the approval of the city manager or designee.

#### **14.12.4. Other Motor Vehicle Uses**

1. No other uses shall be located on the same lot, parcel or tract or in the same building as a motor vehicle body shop, and all activities associated with the body shop shall take place inside a building.
2. The activities of a motor vehicle repair shop, minor, shall not be conducted in a multi-tenant building unless there is adequate tenant separation between the uses. All activities associated with the repair shop shall be conducted inside a building.
3. The activities of a motor vehicle repair shop, major, shall not be conducted in a multi-tenant building. Said use shall be conducted only in a single-tenant building. All activities associated with the repair shop shall be conducted inside a building.

4. The activities of a motor vehicle sales/service center, new or used, shall not be conducted in a multi-tenant building or on the same lot with any other use or activity.
5. Area shall be available on the same property with any motor vehicle sales/service center, new or used, or any motor vehicle rental facility for the loading or unloading of motor vehicles. No loading or unloading of vehicles shall take place on any public right-of-way.

#### **14.12.5. Home Office**

A home office is permitted in a residential dwelling unit provided that the principal use of the building is as a residence and the portion of the dwelling unit used as a home office does not exceed 25 percent of the gross floor area of the residential structure and that the office use is incidentally or occasionally used by the dwelling unit's occupant for professional or administrative activities related to the occupant's business, trade or profession, provided that the home office use is conducted in compliance with the regulations below.

1. No retail trade, manufacturing, or repair work shall be conducted in a home office.
2. The home office activity is conducted entirely within the main building.
3. The entrance to the home office shall be within the dwelling, and no construction features which would indicate to an outside observer that the building is not used solely and exclusively as a residence.
4. There is no exterior nameplate, advertisement, sign or display advertising the business on the premises.
5. There is no outdoor storage of materials, goods or supplies associated with the home office use.
6. The home office is conducted in a manner consistent with the basic character of a quiet residential neighborhood and shall not involve continuous which would produce noise, odors, fumes, vibration, dust or electronic interference outside the premises, or which would cause the dwelling to be ineligible for normal residential water, electric and garbage collection rates.

7. The home office does not involve the storage of toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials on the site.
8. No stock in trade shall be kept or sold on the premises and the use shall not involve the exhibit or display of goods, wares or merchandise except that sales incidental to a service shall be allowed and orders previously made by telephone, internet or at a sales party may be filled on the premises.
9. The home office shall not regularly cause clients or customers to come to the premises or generate traffic or parking in greater volumes than normally expected in a residential neighborhood.
10. The business shall not employ any individual who is not a resident of the dwelling or related to the resident by blood, marriage or adoption.

#### **14.12.6. Accessory Use of Parking Lots**

A collection box/kiosk for recyclable goods and donations may be located in the parking lot of a retail center in the C-1, C-2 or C-3 district provided that:

1. No cash or other payment is made at the location;
2. The site is maintained in a neat and orderly condition;
3. The collection box does not occupy any required parking space or obstruct any fire lane, fire hydrant or traffic aisle;
4. The collection box is not located within the minimum required front setback.

#### **14.12.7. Overhead Doors and Loading Docks**

Buildings incorporating overhead doors and loading docks shall be constructed so that the doors and docks do not face onto a public or private street.

#### **14.12.8. Underground Storage Tanks**

Underground storage tanks shall be monitored as required by appropriate federal and state authorities. Such tanks which are abandoned shall be



removed and disposed of at the owner's expense as required by the regulations of the Texas Natural Resource Conservation Commission or appropriate agency as amended.

## **SECTION 14.13.**

### **MISCELLANEOUS DEVELOPMENT STANDARDS**

## **SECTION 14.13. MISCELLANEOUS DEVELOPMENT STANDARDS**

### **14.13.1. Lot Standards**

Each lot in any zoning district or any development shall have frontage on a dedicated public or private street.

### **14.13.2. Number of Buildings per Lot**

1. There shall be no more than one main building per lot in any single-family residential district and in any portion of a Planned Development zoned for single-family residential use.
2. On properties zoned R-5 Residential (multi-family) or for any non-residential zoning districts (Commercial, Industrial, Aviation) or any portion of property zoned PD Planned Development for multi-family or non-residential uses, multiple buildings may be located on a single lot provided adequate access for occupants of the buildings and property and for fire protection and other emergency services, is provided to each building.

### **14.13.3. Building Orientation and Natural Features**

Buildings shall be oriented to preserve and minimally impact the existing site. Buildings near natural features should respond to them in a manner that respects and preserves the features, so that buildings and overall development blend with the natural environment.

### **14.13.4. Drainage in Residential Districts**

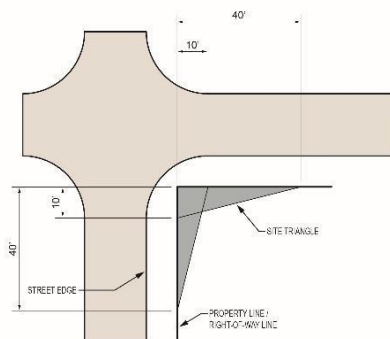
Exterior landscaping in all residential districts shall adequately provide for diversion of uphill runoff in a heavy rain. The finished building slab elevation shall be at least 12 inches above the finished grade elevation of the residential structure or a proper water barrier shall be established between the outside grade and the finished slab elevation that would provide at least the same 12-inch differential.

### **14.13.6. Sight Triangle/Visibility Easement**

1. On any corner lot on which front and side setbacks are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to

cause danger to traffic by obstructing the view and when topography prevents a clear view, the bank shall be removed to address the visibility obstruction.

2. A clear and unobstructed view referred to as a sight triangle or visibility easement shall be maintained at the intersection of a driveway with a public or private street in a non-residential development within a triangular area created by connecting a point which is 10 feet along the right-of-way at the intersection and a point extending away from the intersection of two or more roadways a distance of 40 feet.
3. This line shall extend by projection to the back of curb on improved streets or the edge of pavement on unimproved streets along both streets impacted. The sight triangle herein referenced shall include all area between the above-defined line and the street pavement between a height of 30 inches above the pavement and eight feet above the top of curb if on an improved street or eight feet six inches above the pavement surface on an unimproved street.



#### **14.13.7. Location and Screening of Loading Areas and Utility Accessories**

1. Loading areas and utility accessories shall be located at the rear of structures and screened from abutting properties and public rights-of-way to reduce their visual impact. Acceptable screening shall consist of decorative masonry or stone walls, berms, evergreen hedges or a combination thereof. Screening for loading and utility areas should equal at least the height of the elements being screened.
  - A. Where berms are used as a screening device, they shall vary in height from a minimum of 18 inches to a maximum of 30 inches and

be teardrop in form for a natural look and to avoid a “levee” effect or appearance. Shrubs and/or low walls must be provided atop any berm such that the total height of the berm plus the shrub or wall shall be equal to the height of the elements being screened within three years of installation.

- B.** Decorative walls or retaining walls must be approved structurally and aesthetically by the city manager or designee.

#### **14.13.8. Fire Protection**

Adequate access for fire protection access shall be provided to each building and each property in accordance with the requirements of the Bulverde fire code and the Bulverde subdivision ordinance.

#### **14.13.9. Trash Receptacles**

Trash receptacles for nonresidential and multi-family uses shall meet the following criteria:

1. Dumpsters shall be located on a concrete pad enclosed on three sides by a solid masonry wall with solid gates across the front. This wall shall be at least six feet in height, and at least two feet higher than the top of the dumpster. The style and finish of the wall and gates shall be drawn under the seal of a registered professional engineer.
2. All trash receptacles shall be oriented perpendicular to the principal means of access to such receptacle and located in such a manner as to provide a minimum turning radius of 40 feet for the collection vehicle.
3. Any trash receptacle not perpendicular to the principal means of access to such receptacle shall be oriented at a 30-degree angle from the fire lane, alley or other means of access.
4. Alternative design standards must be approved by the city manager or designee.

#### **14.13.10. Exterior Lighting**

All lighting, whether installed on the building exterior or free-standing, shall comply with the City of Bulverde dark sky ordinance.

#### **14.13.11. Sound Amplification**

No sound amplification shall be permitted outside a building.

#### **14.13.12. Underground storage tanks**

Underground storage tanks shall be monitored as required by the appropriate federal and state authorities. Such tanks which are abandoned shall be removed and disposed of at the owner's expense as required by the regulations of the Texas Natural Resource Conservation Commission.

#### **14.13.13. Access for Nonresidential and Apartment Uses**

Insofar as possible, major driveway access for nonresidential districts on the opposite side of a street shall be aligned with each other.

#### **14.13.14. Additional Information for Review of a Development Application**

Information, including but not limited to, architectural renderings, traffic impact studies and noise studies may be requested by staff for analysis of a development proposal. In addition, the planning and zoning commission and city council may request additional information as it may deem necessary and proper in order to make a final decision on an application.

## **SECTION 14.14.**

### **OUTSIDE STORAGE, DISPLAY AND SALES/RENTAL**

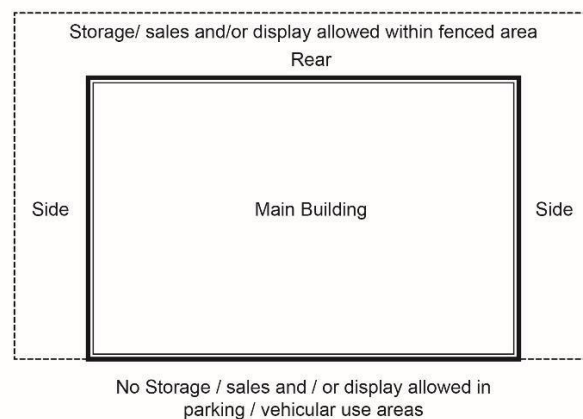
## SECTION 14.14. OUTSIDE STORAGE, DISPLAY AND SALES/RENTALS

### 14.14.1. Purpose

The purpose and intent of this section is to allow outside storage, display and sales/rentals in the C-3 and I-1 districts provided that such outside storage, display, and sales/rental takes place within designated areas that are adequately screened and meet the standards listed in this section.

### 14.14.2. Standards for Outside Storage

1. Outside storage and sales/rental is prohibited in the C-1 and C-2 districts.
2. This section does not apply to garage/yard sales in residential districts.
3. The area to be used for outside storage, display, or sales/rental shall meet the following requirements:
  - A. It shall be unlawful to conduct any outside storage, display or sales/rental on a public street, public right-of-way, median or sidewalk within the corporate limits of the city.
  - B. Outside storage, display or sales/rental shall take place only in those areas designated for such use on a site plan.
  - C. Outside storage, display or sales/rental shall not take place in any required front setback area.
  - D. Outside storage, display or sales/rental shall take place only within the side and/or rear yard and outside of the required setback (see figure).





- E.** Outside storage, display or sales/rental shall be limited to areas that are surfaced with asphalt, concrete, gravel, or, if approved by the city manager or designee, other materials that are equal in quality or appropriate for the use, such as plant material stored and displayed on an unpaved surface.
- F.** Materials posing an environmental hazard, such as soil, fertilizer, lumber or other loose, unprotected material, shall be fully contained to prevent leaking or run-off.
- G.** The total area occupied by outside storage, display or sales/rental must not exceed 40 percent of the total area of the main building.
- H.** The area occupied by outside storage, display or sales/rental must be enclosed with a fence when located in a side or rear yard. In addition, the area and all goods stored, displayed or for sale/rental must be screened from off-site view. Said screening shall be achieved through the use of fencing or evergreen plants. Fences must be constructed of stone, brick, stucco or other material approved by the commission, and must be consistent with the design of the main building. In the event evergreen plants are used for screening, they must be six feet tall or the height of goods stored, displayed, or for sale/rental (whichever is less) at the time of planting, and must be spaced to completely conceal and reach the height of the goods stored, displayed, or for sale/rental within three years of planting.

#### **14.14.3. Seasonal Sales**

- 1.** Seasonal sales are outside sales for items commonly associated with a particular time of year, such as, but not limited to, flowers in February or pumpkins in October. Sidewalk outside sales are sales involving temporary extension of the sales area into the walkway outside of the business.
- 2.** Seasonal and sidewalk outside sales are allowed with the following regulations:
  - A.** It shall be unlawful to conduct any seasonal or sidewalk outside sales on a public street, public right-of-way, median or sidewalk within the corporate limits of the city.

- B.** Seasonal and sidewalk outside sales are restricted to 60 days total in any calendar year, and no more than 20 consecutive days, except that Christmas trees may be sold for 45 consecutive days and pumpkins may be sold outside for 30 consecutive days.
- C.** Seasonal and sidewalk outside sales are prohibited in the vehicular use area, including parking spaces and parking aisles, except as provided herein.
- D.** The area occupied by the outside seasonal and sidewalk sales must not be located in any required building setback area.
- E.** A permit must be obtained from the city for each seasonal and/or sidewalk outside sale event, and said application shall include the following information:
  - 1.** Name of business submitting the application;
  - 2.** Applicant's address (legal and local) and telephone number;
  - 3.** A brief description of the goods to be sold;
  - 4.** The applicant's state sales and use tax permit number; and
  - 5.** Dates and times of the proposed outside sales.

#### **14.14.4. Exemptions**

- 1.** The following items shall be exempt from the requirements of this section:
  - A.** Beverage or similar dispensing machines;
  - B.** Shopping cart return stalls located in the parking area, excluding the storage of shopping carts outside the buildings for customers to retrieve as they enter the business establishment;
  - C.** Propane tank cages.
- 2.** The following uses shall be exempt from Sections 14,14,2.C., 14.14.2.D., 14.14.2.G. and Section 14.14.2.H:
  - A.** Boat sales and service;
  - B.** Equipment rental, heavy/construction equipment;
  - C.** Farm equipment sales;
  - D.** Garden center;

- E.** Landscaping nursery, wholesale material sales, including brick, stone and soils sales, and fountains and statuary;
- F.** Mobile/Manufactured home sales;
- G.** Motor vehicle rental/leasing;
- H.** Motor vehicle sales/service center, new or used;
- I.** Motor vehicle storage lot;
- J.** Portable building sales;
- K.** Tree farm.

## **SECTION 14.15.**

### **NONCONFORMING USES AND STRUCTURES**

## **SECTION 14.15. NONCONFORMING USES AND STRUCTURES**

### **14.14.1. Intent**

- 1.** It is the intent of this zoning ordinance that, except as otherwise allowed in this chapter, nonconforming uses, building, structures and site elements shall not be enlarged upon, expanded or extended.
  - A.** For purposes of this ordinance, a “nonconforming use” is a use of land, building, or other structure or combination thereof that is legally nonconforming as a result of the circumstances described in Section 14.15.2.
  - B.** For purposes of this ordinance, a “nonconforming building or structure” is any building or structure which does not fully conform to the development standards and regulations set forth in this ordinance, but which is legally nonconforming as a result of the circumstances described in this Section 14.15.2.
  - C.** For purposes of this ordinance, a “nonconforming site element” is a site element or improvement other than a use, building, or structure such as landscaping, site lighting or parking lot improvement that does not fully conform to the development standards and regulations set forth in this ordinance and the code of ordinances, but which is legally nonconforming as a result of the circumstances described in this Section 14.2.2.

### **14.14.2. Nonconforming Status**

- 1.** The use of land, building, structure, or other site element shall be deemed to have nonconforming status when each of the following conditions exist:
  - A.** The use, building, structure, or site element that does not conform to the regulations prescribed in the district in which it is located was in existence and lawfully constructed or lawfully under construction, located and operating prior to, and at the time of, the event or action that made such use, building, or structure nonconforming.
  - B.** The event or action that made such use, building, structure, or site element nonconforming was a result of incorporation or annexation of

property into the City of Bulverde or adoption of this zoning ordinance or a previous zoning ordinance.

- C. The nonconforming use has been operating since the time that the use first became nonconforming without abandonment, as abandonment is defined in 14.15.6. below.

#### **14.15.3. Expansion of a Nonconforming Use, Building, Structure, or Site Element**

1. No nonconforming use, building, structure, or site element may be expanded or increased beyond the lot or tract upon which it is located as of the effective date of this ordinance, except to provide off-street loading or off-street parking space upon approval of the city manager or designee.
2. No building or structure occupied by a nonconforming use shall be altered so as to increase the gross floor area of the nonconforming use, including alterations interior to the building which expand the area occupied by the nonconforming use, nor shall the use be expanded to occupy area outside the building.
3. No area being used for outside storage or sales be expanded.
4. No nonconforming use, building, structure or site element shall be altered or expanded so as to increase the degree of nonconformity.
5. If any of the present improvements on an existing lot in a single-family residential district are closer to the property line than the minimum setbacks herein, any alteration or addition to any such improvement shall be constructed so as to conform to the minimum setbacks in this ordinance unless authorized by a special exception from the zoning board of adjustment.

#### **14.15.4. Change of Use**

1. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter revert to a nonconforming use.

2. Where a conforming use is located in a nonconforming building or structure, the use may be changed to another conforming use by securing a certificate of occupancy.

#### **14.15.5. Continuation of a Nonconforming Use**

1. A nonconforming use, building, structure, or site element occurring or existing on property in the City of Bulverde may continue, although such do not conform to the provisions of this ordinance, subject to the following:
  - A. A nonconforming building or structure may be used for any permitted use in the applicable zoning district or for any legal nonconforming use occupying the nonconforming building or structure prior to the date the use or building or structure became nonconforming.
  - B. Interior remodeling of a nonconforming building or structure within the existing building footprint is permitted provided the applicable building, fire, health and safety codes are met and that the remodeling is not being done to expand a nonconforming use.
  - C. Maintenance and repair of a nonconforming building or structure is expressly permitted to the extent necessary to comply with applicable health and safety regulations or minimum building standards or to otherwise prevent injury to person or property.
  - D. A nonconforming site element, such as landscaping, site lighting, parking lot improvements or other nonconforming site elements or improvements or portions thereof typically reflected on an approved development plan may be repaired, maintained or demolished and once demolished, may not thereafter be reconstructed.
  - E. The city manager or designee may approve an amendment to an approved landscape plan for a nonconforming property to allow a change in landscape materials.

#### **14.15.6. Abandonment**

1. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use cannot be reestablished. All future use of the property shall be in conformance with this chapter. Abandonment shall involve the discontinuance of a nonconforming operation, regardless of

the intent of the owner, and the actual act of discontinuance. Any nonconforming use that is discontinued for a period of six months, shall be considered to have been abandoned.

2. Whenever a nonconforming building, structure, or other site element is abandoned, all nonconforming rights shall cease, and the use of the building, structure, or site element shall henceforth be in conformance with this chapter. Any nonconforming building or structure that remains vacant, or any nonconforming site element which is damaged and remains unrepaired, for a period exceeding six months, the owner of which has failed to respond to notice of abandonment or damage delivered by certified letter, shall be considered abandoned. Additional factors considered to determine abandonment include violation of the Nuisance Ordinance, failure to pay property taxes or failure to secure the building or structure.

#### **14.15.7. Destruction or Demolition of Nonconforming Building, Structure or Site Element**

- A. A nonconforming building, structure, site element or portion thereof may be demolished and once demolished shall not thereafter be reconstructed in its previous configuration.
- B. Partial Destruction Less Than Fifty Percent. If a nonconforming building, structure, or site element is partially destroyed by fire, explosion, windstorm, flood or other casualty or act of God or public enemy amounting to less than 50 percent of its replacement value, reconstruction is permitted provided the repaired building, structure, or site element shall not exceed the lot coverage, gross floor area or height original improvement and shall not increase the degree of any nonconformity.
- C. Partial Destruction of Fifty Percent or More. If a nonconforming building, structure, or site element is totally destroyed or partially destroyed by fire, explosion, windstorm, flood or other casualty or act of God or public enemy amounting to more than 50 percent of its replacement value, reconstruction may be permitted after a hearing and favorable action by the Board, provided the repaired or new building, structure, or site element shall not exceed the lot coverage, gross floor area or height of



the original improvement and shall not increase the degree of any nonconformity.

#### **14.15.8. Nonconforming Lots**

- 1.** A platted lot recorded in the official records of Comal County that has less area than herein required may be used for uses permitted in the respective district, and no lot shall be reduced in area below the minimum lot size requirements set forth in Section 14.3. herein.
  - A.** Where a building setback line required by a governmental entity has been established by a plat approved by the city or county prior to these regulations, and such line requires a greater or lesser building setback than is prescribed by Section 14.3. for the district in which the building setback line is located, the setback shall comply with the building line so established by such plat, provided no such front setback shall be less than 50 feet, and no such side or rear setback shall be less than six feet unless approved by the zoning board of adjustment by special exception or as permitted in Section 14.15.8.B. below.
  - B.** The relaxation of setback requirements shall only apply in the R-1, R-2, and R-3 districts. For the Bulverde Estates, Bulverde Hills, Bulverde Ranchettes, Oakland Estates, and Oak Village North subdivisions, the front setback shall be 25 feet, the side setback shall be six feet, and the rear setback shall be 10 feet.